

IOWA RACING AND GAMING COMMISSION

MINUTES

JANUARY 25, 2024

The Iowa Racing and Gaming Commission (IRGC) met on Thursday, January 25, 2024 at Diamond Jo Casino in Dubuque, Iowa. Commission members present were Daryl Olsen, Chair; Mark Campbell, Vice Chair; and members Julie Andres, Amy Burkhart and Alan Ostergren.

APPROVE AGENDA: Chair Olsen called the meeting to order at 8:33 AM and requested a motion to approve the agenda. Commissioner Ostergren moved to approve the agenda as presented. Commissioner Campbell seconded the motion, which carried unanimously.

WELCOME: Brad Cavanagh, Mayor of Dubuque welcomed everyone to Dubuque and commented on the incredible partnership between Diamond Jo and Q Casino. Alex Dixon, President of Q Casino then welcomed everyone as well and turned it over to Wendy Runde, General Manager of Diamond Jo. Wendy stated it was a pleasure to host the Commission meeting and welcomed everyone to Dubuque. She discussed the construction going on at Diamond Jo and offered to show anyone around that is interested in the construction project.

Chair Olsen thanked both facilities for hosting and thanked the Mayor for attending.

APPROVE MINUTES: Chair Olsen requested a motion to approve the minutes from the November 16, 2023 Commission meeting. Commissioner Burkhart moved to approve the minutes as printed. Commissioner Campbell seconded the motion, which carried unanimously.

Chair Olsen requested a motion to approve the minutes from the December 19, 2023 Commission meeting. Commissioner Ostergren moved to approve the minutes as printed. Commissioner Burkhart seconded the motion, which carried unanimously.

ANNOUNCEMENTS: Chair Olsen announced that they had planned to announce a new Administrator at this meeting but due to weather and time constraints on the Commissioners, they have postponed that for roughly 30 days. He apologized and stated that they will have a special meeting set up sometime between now and the March meeting and they will announce a new Administrator at that time.

Tina Eick, Interim Administrator, announced no meeting in February. The next meeting will be March 5th, 2024 at Prairie Meadows and the submission deadline for that meeting will be February 20th. The meeting after that will be at Harrah's in Council Bluff on April 18th.

The Commission move is still in process: it will hopefully be done next week. If any deliveries in the next couple days, call first to confirm where to deliver. Updates on the move will be made on the website.

Ms. Eick also took a minute to recognize field staff. At Q are Tracy Potter and Cathy Dillon, and at Diamond Jo are Joe Gau and Shawntel Schmitt. She stated they, and all the IRGC staff, are much appreciated.

RULES: Wes Ehrecke, President and CEO of the Iowa Gaming Association, approached the podium and indicated that some of his membership had questions on the proposed administrative rules. Specifically, on the prohibited participant rule, he asked for clarification on, which prohibited individuals needed to be identified and what an operator would need to do to maintain such a list. Ehrecke asked that a list just be required for the Division I universities in the state. Ehrecke acknowledged that his comments could have been and should have been indicated earlier in the public comment period but they were not so he is making those comments at this meeting.

Commissioner Campbell said the commission is most interested in maintaining the integrity of gaming in Iowa and understands this is a process, it will take time, and the commission and the industry will need to work together to get there. He stated the commission doesn't expect the industry to do this without the tools in place to do so.

Commissioner Ostergren reminded everyone that there is a process for promulgating rules which includes a period for public comment and a public hearing and the formality of that process needs to be observed. The commission can't start red lining the rules at this point in the process in this forum. Rather, the commission has to follow the Administrative Procedure Act in chapter 17A and the process for adopting rules so it is important for the industry to be mindful of that process and follow that process. He reiterated the commission does want feedback and that very helpful feedback was received during the formal process that did result in changes to the proposed rules. He encouraged the gaming association and all stakeholders to go through those steps. He stated the commission was committed to use these as rules of reason and to not be arbitrary in how the commission implements them. He said the commission can always amend them going forward.

Commissioner Burkhardt asked Ms. Eick to share with the group how this rule would be implemented.

Ms. Eick said under the proposed rule the operators would submit a plan to the Commission to indicate how they would prohibit prohibited individuals from getting an account. There are a couple of options. They could create a list themselves or they could subscribe to a commercial service that will gather names. It is staff's understanding that there is at least one currently available commercial service that is actively gathering these names from all of those entities. She noted that it was understood that this would not be a complete list from the get go but rather a starting point. It was also noted that this was not required at retail sportsbooks as retail wagering was by its nature anonymous wagering.

Chair Olsen asked Ms. Eick to provide the Commission with a summary of the proposed rules. Ms. Eick presented the administrative rules that were up for adoption in final form by the Commission. She stated that rules originally came before the commission for notice of intended action last August. Since that time, a public hearing was held on the rules; no one attended. However, a lot of feedback was received during the formal comment period. Staff also specifically

sought input on account funding procedures from the Iowa Bankers Association. She recounted the comments received during the public comment period and the modifications made to the rules in response to the formal review process since last August. Specifically, the following changes were made:

- For Item 8 (Rule 13.2(4)), the rule was modified to specify that operators are required to display information regarding the prohibition on account sharing and underage gambling during account setup and login.
- For Item 9 (Rule 13.2(7)) the rule was modified to clarify operators are to identify and suspend accounts opened by individuals on behalf of persons under the age of 21.
- For item 10 (Rule 13.5(2)) the rule was modified to remove reference to an individual's full social security number to the last four digits of an individual's social security number as a part of the verification process.
- For Item 11 (Rule 13.5(3)) the rule was modified to clarify that procedures to detect and monitor account activity based on location detection controls shall be based on industry best practices and any commission guidelines for detection of fraud or other unauthorized or illegal activity. The rule was also modified to require that multifactorial authentication at log in must be done at least every fourteen days (as opposed to seven days).
- Item 12 was changed to update citations to another section based on these rule changes.
- Item 15 (Rule 14.7(2) – DFS rule) the rule was modified to remove reference to an individual's full social security number to the last four digits of an individual's social security number as a part of the verification process. It mirrors item 10 from above.
- Item 17 (Rule 14.8(5) DFS rule) portion of the rule requiring verification of outside financial account information prior to deposit or withdrawal of funds tabled consistent with a similar rule on the sports wagering side. Other portions of rules involving multifactorial authentication and notices required to be displayed by the operator during account setup and login were modified to be consistent with the corresponding sports wagering rules noted above.

Commissioner Burkhart reiterated that the commission has strong rules in place and these rules just provide extra layers of protection for the rules already in place. She also expressed appreciation for all the work that has been put into these rules in an effort to make the rules even stronger.

Hearing no further comments or questions, Chair Olsen requested a motion on the proposed rules. Commissioner Burkhart moved to adopt the rules as proposed. Commissioner Campbell seconded the motion, which carried unanimously.

ADVANCE DEPOSIT SPORTS WAGERING AGREEMENT: Rick Gilson, Chief Operating Officer for Wild Rose Entertainment, LLLP, presented an agreement between Sporttrade Iowa, LLC and the Wild Rose property located in Clinton, IA. He requested approval of the agreement as presented.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the agreement between Sporttrade Iowa, L.L.C. and the Wild Rose Clinton, LLC. Commissioner Andres seconded the motion, which carried unanimously.

IOC BLACK HAWK COUNTY, INC.: Chad Moine, General Manager for IOC Black Hawk County, Inc., presented a proposed operating agreement with their QSO, Black Hawk County Gaming Association.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the proposed operating agreement. Commissioner Andres seconded the motion, which carried unanimously.

CONTRACTS:

IOC Black Hawk County, Inc.: Chad Moine, General Manager, presented the following contracts for Commission approval:

- NRT Technologies Inc. – ATM & Ticket Kiosk Agreement (OSV)
- Exela Enterprise Solutions, Inc. – Copy & Print Services
- Pinnacle Construction, Inc – General Contractor

Commissioner Campbell asked about the timeline of the remodel. Chad Moine said the original proposal had an estimated date of April but he anticipates the construction to be done in late June if not before.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by IOC Black Hawk County, Inc. Commissioner Ostergren seconded the motion, which carried unanimously.

IOC Bettendorf: Chad Moine, General Manager IOC Black Hawk County, Inc., presented a contract with NRT Technologies Inc., an out of state vendor, for an ATM & Ticket Kiosk Agreement.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contracts as submitted by IOC Bettendorf. Commissioner Campbell seconded the motion, which carried unanimously.

SCE Partners, LLC: Doug Fisher, General Manager, presented the following contracts for Commission approval:

- KDG, Division of Shive-Hattery, Inc – Design company for design options for the current buffet space to an event center
- Masterminds, Inc. – Advertising and media buyer

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as presented by SCE Partners, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

Dubuque Racing Association, Ltd.: Brian Rakestraw, Chief Operating and Finance Officer, presented the following contracts for Commission approval:

- Gaming Analytics Inc. – Analytical Software for Slot Play (OSV)
- MidWestOne Bank – ATM Agreement with Amendments

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contract as submitted by Dubuque Racing Association, Ltd. Commissioner Campbell seconded the motion, which carried unanimously.

Rhythm City Casino, LLC: Mo Hyder, General Manager, presented the following contracts for Commission approval:

- 7G Distributing – Beverage Purchase
- Blackhawk Network – BP Gas & Home Depot Gift Cards
- Grand Falls Casino & Resort – Support Services: Internal Audit, Regulatory Compliance & IT services (RP)
- King Food Services – Food Purchases
- Lagomarcino's – Chocolate/Candy
- MedOne Healthcare Systems – Prescription Drug Benefit Plan
- Myers-Cox - Cigarettes, Sundries & Candies
- Riverside Casino & Golf Resort - Support Services: Internal Audit, Regulatory Compliance & IT services (RP)
- TPI (The Printer Inc.) – Marketing Mailers
- UMR is a United Healthcare Company – Medical & Flexible Spending Plan
- US Postmaster – Postage for Mailers
- USA Entertainment – Booking Agency for Entertainers
- Wells Fargo Business Elite Card – Credit Card Purchases
- Zurich – Insurance Services

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contracts as presented by Rhythm City Casinos, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Diamond Jo Worth, LLC: Robin Maxim, local counsel from Hopkins & Huebner, P.C., on behalf of Diamond Jo Worth, LLC. asked for approval of the purchase of the hotel that is commonly known as Country Inn and Suites from Worth County Hospitality, LLC.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the acquisition as submitted by Diamond Jo Worth, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

Scott Smith, General Manager, presented the following contracts for Commission approval on behalf of Diamond Jo Worth, LLC:

- Kingland Construction – General Contractor
- Mastercraft Floor Covering, LLC – Casino Carpet Replacement (OSV)

Commissioner Burkhart asked about the reasoning for using an out of state vendor for the carpet replacement. Scott Smith responded that due to the complexity of the project and the timeline they needed, other in state vendors refused to even submit a bid. This company has the man power to get the job completed. This company works with gaming companies all the time.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the contracts as submitted by Diamond Jo Worth, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Ameristar Casino Council Bluffs, LLC: Paul Czak, General Manager, presented a contract with Omni Centre LLC for an offsite warehouse lease.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as submitted by Ameristar Casino Council Bluffs, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Prairie Meadows Racetrack and Casino, Inc.: Gary Palmer, General Manager, presented the following contracts for Commission approval:

- ConvergeOne – Communication Equipment and Service
- Everi Payments. – Enrollment Kiosks (OSV)
- Gitchi Gaming – Gaming Equipment (OSV)
- IGT – Table Manager System Upgrade (OSV)
- Loffredo Fresh Produce – Food Products
- Midwest Ambulance – Ambulance and Emergency Medical Services
- Nascar Holdings (IA Speedway) – Race and Event Sponsorship
- Next Step Advertising – Advertising Agency
- Poindexter Flooring – Tile & Carpet Flooring
- Prenosil Concrete – Concrete Work
- RJ Kool Company – Ironer/Folder/Stacker System for Hotel Laundry (OSV)
- Skinner & Paschke, PLLC – Lobbyist Related Activities
- TC Millwork – Slot Machine Bases (OSV)
- Tony Cee Associates – Talent Booking Agency (OSV)
- Trane US (Des Moines Trane) – HVAC Equipment and Services

- Ziegler, Inc. – Maintenance Equipment

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the contracts as submitted by Prairie Meadows Racetrack and Casino, Inc. Commissioner Campbell seconded the motion, which carried unanimously.

PRAIRIE MEADOWS RACETRACK AND CASINO, INC:

Advance Deposit Wagering Agreement: Gary Palmer, General Manager, presented the following agreements for Commission approval:

1. NYRabets, LLC
 - a. Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the Advance Deposit Sports Wagering Agreement as submitted by Prairie Meadows Racetrack and Casino, Inc. Commissioner Burkhardt seconded the motion, which carried unanimously.
2. ODS Technologies, L.P. d/b/a TVG Network
 - a. Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the Advance Deposit Sports Wagering Agreement as submitted by Prairie Meadows Racetrack and Casino, Inc. Commissioner Campbell seconded the motion, which carried unanimously.
3. Xpressbet, LLC and the Iowa Horseman's Benevolent and Protective Association
 - a. Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the Advance Deposit Sports Wagering Agreement as submitted by Prairie Meadows Racetrack and Casino, Inc. Commissioner Andres seconded the motion, which carried unanimously.

Request for Approval of the 45-Day Plan for the 2024 Mixed Meet: Derron Heldt, presented the 45-day plan for Commission approval:

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the application for season approval and the contents contained within, contingent upon the immediate notification to IRGC staff any change of racing official positions and the completion of necessary IRGC license and DCI background checks of racing officials. Ostergren seconded the motion, which carried unanimously.

HEARINGS:

Ameristar Casino Council Bluffs, Inc.: Ms. Eick presented the Stipulated Agreement for violations of Iowa Code § 99F.4(22), and 491 IAC 5.4(5)"c". Paul Czak commented on the incident and accepted responsibility for their error.

Chair Olsen requested a motion. Commissioner Andres moved to approve the Stipulated Agreement with an administrative penalty of \$20,000. Commissioner Ostergren seconded the motion, which carried unanimously.

Rhythm City Casino, LLC: Tina Eick presented the Stipulated Agreement for violations of Iowa Code § 99F.4(22). Mo Hyder commented that the measures were in place for this but there was short sidedness on the employee in this particular situation.

Chair Olsen requested a motion. Commissioner Burkhart moved to approve the Stipulated Agreement with an administrative penalty of \$5,000.00. Commissioner Ostergren seconded the motion, which carried unanimously.

Betfair Interactive US LLC: Tina Eick presented the Stipulated Agreement for violations of Iowa Code § 99F.3, Iowa Code § 99F.1(29) and 491 IAC 13.3(1). Richard Cooper, Vice President of FanDuel, commented that there was a technical error and they have addressed the technical issue.

Chair Olsen requested a motion. Commissioner Ostergren moved to approve the Stipulated Agreement with an administrative penalty of \$10,000. Commissioner Campbell seconded the motion, which carried unanimously.

Betfair Interactive US LLC: Tina Eick presented the Stipulated Agreement for violations of Iowa Code § 99F.4(22). Richard Cooper commented they regret these violations and they now have a secondary process to help identify gaps in the system to identify self-excluded individuals. They have also implemented regular self-assessments that their team does to make sure it's working properly.

Chair Olsen requested a motion. Commissioner Campbell moved to approve the Stipulated Agreement on Count 1 with a check written to the State of Iowa for \$1,228.15 an administrative penalty of \$20,000 and on Count 2 a check written to the State of Iowa for \$101.00 and administrative penalty of \$20,000. Commissioner Ostergren seconded the motion, which carried unanimously.

FanDuel, Inc.: Tina Eick presented the Stipulated Agreement for violations of Iowa Code § 99F.4(22). Richard Cooper commented that they have implemented the same system they described earlier for Betfair Interactive US LLC.

Chair Olsen requested a motion. Commissioner Andres moved to approve the Stipulated Agreement for Count 1 an administrative penalty of \$20,000 and for Count 2 an administrative penalty of \$20,000 for a total of \$40,000. Commissioner Ostergren seconded the motion, which carried unanimously.

Digital Gaming Corporation USA: Tina Eick presented the Stipulated Agreement for violations of Iowa Code § 99F.13, for late audit. Kieron Frazier, Associate with GT Law, commented they acknowledge the violation and take full responsibility for the violation.

Chair Olsen requested a motion. Commissioner Burkhart moved to approve the Stipulated Agreement with an administrative penalty of \$10,000. Commissioner Ostergren seconded the motion, which carried unanimously.

PUBLIC COMMENT: There were no public comments.

ADMINISTRATIVE BUSINESS:

Horseracing Integrity and Safety Authority – Lasix Exemption: Chair Olsen called on Tina Eick, Director of Operations, to address the following items:

Tina Eick, said that the Commission has an opportunity to ask for an exemption to the use of furosemide. HISA has prohibited the use of Lasix in thoroughbred racing. HISA has allowed the state commission to ask for exemptions for up to 3 years. Last year the Commission asked for and received exemption for the 2023 racing season. The issue today is whether the commission would like to do that again, and if so for 1 year or 2 years.

John Moss commented that just doing 2024 would be his recommendation as federal laws are changing for 2025 and the commission will want to address it next year.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to request for the exemption of HISA for the prohibition against the use of furosemide in covered horseraces as permitted in the act. Commissioner Campbell seconded the motion, which carried unanimously.

Notice of Iowa Race Horse Aftercare Fund: Tina Eick presented the notice of the request for proposals of the fiscal year 2024 Iowa Race Horse Aftercare Fund. She stated the fund had \$14,458 in it and the deadline for submissions was February 16, 2024 by 3:30 PM via email to IRGC@Iowa.gov.

ADJOURN: Chair Olsen adjourned the meeting at 9:38 AM.

MINUTES TAKEN BY:


CHANTELLE ARMINTROUT

**IOWA RACING AND GAMING COMMISSION
MINUTES
FEBRUARY 9, 2024**

The Iowa Racing and Gaming Commission (IRGC) met virtually/telephonically on Friday, February 9, 2024. Commission members present virtually were Daryl Olsen, Chair; Mark Campbell, Vice Chair; and members Julie Andres, Amy Burkhart and Alan Ostergren.

WELCOME: Chair Olsen welcomed everyone and explained the meeting was being held virtually as the Commission's next scheduled meeting is March 5, 2024 and the Commission had business that needed to be handled prior to that meeting and with the Commission members schedules and travel time the best way to handle the meeting was by a virtual or telephonic meeting.

APPROVE AGENDA: Chair Olsen called the meeting to order at 1:30 PM and requested a motion to approve the agenda. Commissioner Andres so moved. Commissioner Campbell seconded the motion, which carried unanimously.

APPOINTMENT OF ADMINISTRATOR: Chair Olsen turned it over to Commissioner Burkhart as lead of the subcommittee in acquiring a new administrator. Commissioner Burkhart said they fielded 9 very qualified applicants for the position and the subcommittee interviewed 3 people. From there 2 people were selected for in person interviews at which time other commissioners were invited to participate.

Commissioner Burkhart stated "throughout that process it became very evident that we already have the person in place who is the best candidate to lead our commission forward". She then nominated Tina Eick for the position.

Chair Olsen requested a motion for the appointment of the Administrator. Commissioner Burkhart moved to appoint Tina Eick as the Administrator. Commissioner Ostergren seconded the motion, which carried unanimously.

Chair Olsen stated this appointment is effective immediately.

ADJOURN: Chair Olsen requested a motion to adjourn. Commissioner Burkhart so moved. Commissioner Andres seconded the motion, which carried unanimously.

MINUTES TAKEN BY:


CHANTELLE ARMINTROUT

**IOWA RACING AND GAMING COMMISSION
MINUTES
MARCH 5, 2024**

The Iowa Racing and Gaming Commission (IRGC) met on Tuesday, March 5, 2024 at Prairie Meadows Racetrack and Casino (PMRC) in Altoona, Iowa. Commission members present were Daryl Olsen, Chair; Mark Campbell, Vice Chair; and members Julie Andres, Amy Burkhart and Alan Ostergren.

APPROVE AGENDA: Chair Olsen called the meeting to order at 8:30 AM and requested a motion to approve the agenda. Commissioner Andres moved to approve the agenda as presented. Commissioner Campbell seconded the motion, which carried unanimously.

APPROVE MINUTES: Chair Olsen requested a motion to approve the minutes from the January 25, 2024 Commission meeting. Commissioner Burkhart moved to approve the minutes as printed. Commissioner Ostergren seconded the motion, which carried unanimously.

Chair Olsen requested a motion to approve the minutes from the February 9, 2024 Commission meeting. Commissioner Ostergren moved to approve the minutes as printed. Commissioner Campbell seconded the motion, which carried unanimously.

WELCOME: Chair Olsen announced Tina Eick as the new administrator and asked for a round applause for her as this was our first in person meeting since she was selected Administrator at the special meeting in February. He also recognized Brian Ohorilko's work with the Commission, presented him with his old name plate, thanked him for all his years of service and wished him the best.

Gary Palmer welcomed the Commission and staff and thanked them for being there. He apologized for the construction at the entrance of the casino but said it will be beautiful when it is done.

ANNOUNCEMENTS: Tina Eick, Administrator, introduced Tammy Storey and Holly Ewing, two of the staff members that work at Prairie Meadows. She stated their positions and what they do for the Commission and thanked them for all of their hard work.

Ms. Eick announced the next scheduled meeting would be April 18, 2024 at the Mid-America Center in Council Bluffs. Submissions for that meeting are due April 4th. She reminded everyone that the Commission office has moved and to please send those submissions to the new office address and use the new submission form that has the new address on it.

There will be no meeting in May.

Ms. Eick announced the final meeting for the fiscal year 2024 will be June 13, 2024 and will be held at Wild Rose Clinton. She stated that the meeting dates for the 2025 fiscal year will be voted on at the June meeting.

NATIONAL PROBLEM GAMBLING AWARENESS MONTH: Chair Olsen introduced Katrina Bee, Project Manager of Problem Gambling, Iowa Department of Health and Human Services (Iowa HHS).

Ms. Bee started by stating March is National Problem Gambling Awareness Month. She presented a brief PowerPoint presentation covering gambling behaviors and the prevention and treatment services available in the state of Iowa.

She defined what problem gambling was, and discussed the various media outlets that are placed to help make Iowans aware of problem gambling and encourage them to reach out for help if they or their loved ones are experiencing problems due to gambling. She touched on 1-800-BETS OFF and said it has a really high recognition rate of 83% according to a recent study.

Ms. Bee discussed a very high level of prevention services available in all 99 counties in the State. She also discussed the outpatient counseling services available, stating there are 19 providers covering all 99 counties.

She referenced the Your Life Iowa website and said it contains a plethora of information including a chat and text option and encouraged IRGC staff to visit the website and become familiar with that resource. In SFY23 there were 1,523 calls to 1-800-BETS OFF and 119,946 visits to yourlifeiowa.org/gambling website. A total of 393,809 Iowans were served with a problem gambling individual-level or population-level prevention service. A total of 1,417 Iowans received an evaluation and were recommended to gambling treatment. A total of 5,939 direct hours were provided towards problem gambling community outreach, engagement, family education, or crisis services. And, a total of 28 hours of collaborative training opportunities were provided.

Ms. Bee ended by thanking the facility staff for updating the information and promoting 1-800-BETS OFF. She stated Problem Gambling Awareness Month is lead by the National Council on Problem Gambling and Iowa HHS supports this as well as it is a really great month to dedicate awareness to this issue. She provided the anticipated efforts for the month. She directed people to reach out to her with questions and provided her contact information.

Chair Olsen thanked Ms. Bee for coming and her presentation.

DIAMOND JO WORTH, LLC & DIAMOND JO, LLC: Robin Maxim, local counsel from Hopkins & Huebner, P.C. presented and requested approval of the Casino Management Agreement between Boyd Gaming Corporation and Boyd Acquisition, LLC.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the management agreement as submitted by Diamond Jo Worth, LLC & Diamond Jo, LLC. Commissioner Burkhart seconded the motion, which carried unanimously.

IOWA GAMING ASSOCIATION: Wes Ehrecke, President, presented the Annual Report of Qualified Community County Foundation Projects. His reports highlighted the 84 non-casino

counties that received donations from the gaming tax revenue. During 2022-2023 there were 1,860 grants provided to the non-casino counties totaling \$11.8 million. Mr. Ehrecke commented on the remarkable impact of this fund and how he likes to believe that every Iowan is touched in some way by these grants.

Chair Olsen thanked Mr. Ehrecke for his report.

EXCURSION GAMBLING BOAT AND GAMBLING STRUCTURE LICENSE RENEWALS (OSV = OUT OF STATE VENDOR; RP = RELATED PARTY): Chair Olsen stated we would get into the 17 license renewals and that it would be a lengthy process. He stated that the Commission wanted to hear from each of them on what they are doing and the good things they have going with each of their Qualified Sponsoring Organizations (QSO), but to please hold comments to 5 minutes or less out of respect for everyone's time and to leave time for questions from the Commissioners. He also indicated that in January, the Commission held stakeholder meetings with representatives from each casino licensee. As a result of the information provided at these meetings, the Commission may not have as many additional questions for the operators.

Iowa West Racing Association/Ameristar Casino Council Bluffs, LLC: Paul Czak, General Manager, Ameristar Casino Council Bluffs, LLC and Brenda Mainwaring, CEO of the Iowa West Racing Association respectfully requested their licenses be renewed.

Ms. Mainwaring stated Ameristar is a great partner and said she appreciates the long-standing support they receive from them. Ms. Mainwaring touched on the \$20 million in grants that they are able to fund and stated that was only possible through their partnership and support of the gaming industry.

Paul Czak, General Manager, Ameristar Casino Council Bluffs, touched on the capital projects that have been made throughout the year. He confirmed that all the major capital projects are now being done by all Iowa vendors.

Commissioner Burkhart asked about the uptick in calls to law enforcement about intoxicated patrons. She asked about the plan going forward to handle this in regards to training or mitigation.

Mr. Czak said one of the main reasons for the increase is they used to staff officers at the casino on Friday and Saturday evenings, but due to officer shortages in the last couple of years, they don't have the staff to be able to do that. He said in the last couple of weeks they have launched a card reader program that makes it harder for someone to bounce from the upstairs bar to the middle bar to the lower level bar to get a drink and that should help.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to renew the license to conduct gambling games to Iowa West Racing Association, renew the license to operate Ameristar Casino Council Bluffs, LLC as an excursion boat that will not cruise, renew the license to conduct sports wagering to Ameristar Casino Council

Bluffs, LLC, and approve the facility's revised security plan included in the application. Commissioner Ostergren seconded the motion, which carried unanimously.

Washington County Riverboat Foundation, Inc./Riverside Casino & Golf Resort, LLC: Damon John, General Manager, Riverside Casino & Golf Resort, LLC and Stephanie Sexton, President of Washington County Riverboat Foundation, Inc., respectfully requested their licenses be renewed.

Mr. John discussed the company's economic impact on the local community. He also stated the upgrades they have made over the year and the impact those have had by bringing more dollars to Iowa and keeping Iowa dollars in Iowa.

Ms. Sexton commented that since 2006 they have infused \$65 million into Southeast Iowa. She said in 2023 they awarded over \$5 million in grants. Ms. Sexton expressed how fortunate they are to have the tremendous partnership they do with Riverside Casino & Golf Resort.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to renew the license to conduct gambling games to Washington County Riverboat Foundation, Inc., renew the license to operate Riverside Casino & Golf Resort, LLC as a gambling structure, renew the license to conduct sports wagering to Riverside Casino & Golf Resort, LLC, and approve the facility's revised security plan included in the application. Commissioner Andres seconded the motion, which carried unanimously.

Contracts: Mr. John presented the following contracts for Commission approval:

- Acushnet Company – Golf retail and special order for Blue Top Ridge (OSV)
- Power Promotions – Continuity and promotion gifts (OSV)
- UMR is a United Healthcare Company – Medical & flexible spending plan

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the contracts as submitted by Riverside Casino & Golf Resort, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

Regional Development Authority/Rhythm City Casino, LLC: Mo Hyder, General Manager, Rhythm City Casino and Matt Mendenhall, President & CEO of Regional Development Authority, respectfully requested their licenses be renewed.

Mr. Hyder commented on the great relationship they have with the Regional Development Authority and stated they really appreciate the work they do for the community. He talked about the gaming revenue being down in 2023 due to competition from Illinois, but said on the non-gaming side business has been good.

Mr. Mendenhall commented on the great relationship between the Regional Development Authority and Rhythm City Casino, the great communication they have, and what they have been

able to accomplish with that partnership. He was excited to announce they signed a new 10-year contract.

Commissioner Burkhart touched on the uptick in calls to security in 2021 and how bringing back voluntary off duty officers helped to bring that down significantly in 2022. She commended them on working with their local police department and community to make that happen.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to renew the license to conduct gambling games to Regional Development Authority, renew the license to operate Rhythm City Casino, LLC as a gambling structure, renew the license to conduct sports wagering to Rhythm City Casino, LLC, and approve the facility's revised security plan included in the application. Commissioner Campbell seconded the motion, which carried unanimously.

Worth County Development Authority/Diamond Jo Worth, LLC d/b/a Diamond Jo Worth: Scott Smith, General Manager, Diamond Jo Worth, LLC and Deb Hanson, CFO, Worth County Development Authority, respectfully requested their licenses be renewed.

Mr. Smith started by talking about what a rollercoaster 2023 was. He said 4th quarter ended with a positive gaming revenue. He touched on the many positive things they have in the works and stated in 2023 they were able to distribute \$6.4 million to their partner, Worth County Development Authority.

Ms. Hanson started by thanking Mr. Smith and the entire Diamond Jo Worth team and said they are a great partner. She talked about the educational scholarships they are able to provide and said last year they were able to give 69 seniors a scholarship and of those 69 seniors, only 4 are attending out of state colleges.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to renew the license to conduct gambling games to Worth County Development Authority, renew the license to operate Diamond Jo Worth, LLC as a gambling structure, renew the license to conduct sports wagering to Diamond Jo Worth, LLC, and approve the facility's revised security plan included in the application. Commissioner Burkhart seconded the motion, which carried unanimously.

Lyon County Riverboat Foundation, Inc./Grand Falls Casino Resort, LLC: Sharon Haselhoff, General Manager, Grand Falls Casino Resort, LLC and Randy Waagmeester, President, Lyon County Riverboat Foundation, Inc. respectfully requested their licenses be renewed.

Ms. Haselhoff stated 2023 was a record revenue year for them in gaming and non-gaming, and December was their total resort revenue and gaming revenue month since opening in 2011. She discussed the different events they host to draw people to their resort. She also touched on the \$28 million they have invested into their property in the past 5 years to keep it nice.

Mr. Waagmeester said they truly value their relationship with Grand Falls Casino Resort and also discussed their 2023 record year. He said they received \$3.6 million (a 4% increase from 2022) from Grand Falls Casino Resort, LLC.

Commissioner Campbell asked Ms. Haselhoff to elaborate on their relationship with local law enforcement. He said as their events get larger their numbers are going down and he appreciates seeing that.

Ms. Haselhoff said they meet annually with the county sheriff's office, they conduct quarterly training for their security staff from retired DCI agents, and they have a great working relationship with law enforcement across state lines.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to renew the license to conduct gambling games to Lyon County Riverboat Foundation, Inc., renew the license to operate Grand Falls Casino Resort, LLC as a gambling structure, renew the license to conduct sports wagering to Grand Falls Casino Resort, LLC, and approve the facility's revised security plan included in the application. Commissioner Andres seconded the motion, which carried unanimously.

Contract: Ms. Haselhoff presented a contract with Hy-Vee for marketing gift card promotions.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contract as submitted by Grand Falls Casino Resort, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

Black Hawk County Gaming Association/IOC Black Hawk County, Inc: Chad Moine, Senior Vice President, IOC Black Hawk County, Inc and Emily Hanson, Executive Director, Black Hawk County Gaming Association respectfully request their licenses be renewed.

Mr. Moine commented on the many challenges they faced in 2023. He said they met those challenges head on, persevered and came out stronger. He touched on the refresh projects they have made, and stated they always use Iowa vendors when able to. He said they have a tremendous relationship with Black Hawk County Gaming Association and they are proud to say they have one of the highest QSO contribution percentages in the state.

Ms. Hanson stated that in 2023 they were able to fund 41 different non-profit and government agencies with over \$6 million due to their relationship with IOC Black Hawk County, Inc. Since 2007 over 650 projects worth \$75 million have been funded. She said the partnership they have is invaluable and thousands of individuals have benefited over the past 17 years as a result of it.

Commissioner Campbell commented and thanked them for all the hard work and preparations that have been put into the past year.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to renew the license to conduct gambling games to Black Hawk County Gaming Association, renew the license to operate IOC Black Hawk County, Inc. as a gambling structure, and renew the license to conduct sports wagering to IOC Black Hawk County, Inc. and approve the facility's revised security plan included in the application. Commissioner Andres seconded the motion, which carried unanimously.

Contract: Mr. Moine presented a contract with Electronic Engineering for purchasing radios.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as submitted by IOC Black Hawk County, Inc. Commissioner Campbell seconded the motion, which carried unanimously.

Missouri River Historical Development, Inc./SCE Partners, LLC d/b/a Hard Rock Hotel & Casino Sioux City: Doug Fisher, General Manager, SCE Partners, LLC and Sarah Kleber, President, Missouri River Historical Development, Inc. respectfully requested their licenses be renewed.

Mr. Fisher said 2023 was a solid year for them. He said it was the 3rd highest revenue numbers in property history. He discussed the capital improvements in 2023 and the \$2.7 million they have anticipated for upgrades in 2024. He also stated the various awards they received in 2023.

Ms. Kleber commented that they have a wonderful partnership with Hard Rock Hotel and Casino and they are continually impressed with their day to day investments into the facility and operations that are continually recognized as being a leader in the industry. She said they have been able to invest \$52 million into the community through gaming revenue.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to renew the license to conduct gambling games to Missouri River Historical Development, Inc., renew the license to operate SCE Partners, LLC as a gambling structure, renew the license to conduct sports wagering to SCE Partners, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

Contracts: Mr. Fisher presented the following contracts for Commission approval:

- Data Business Equipment, Inc. – Purchase cage/cash handling equipment
- SHI – Microsoft license & software assurance, other IT purchases (OSV)
- K2J Marketing Partners, LLC – Marketing promotional items (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by SCE Partners, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

Dubuque Racing Association, LTD/Diamond Jo, LLC d/b/a Diamond Jo Casino: Wendy Runde, General Manager, Diamond Jo, LLC and Alex Dixon, President and CEO, Dubuque Racing Association, LTD respectfully requested their licenses be renewed.

Ms. Runde said they are honored and pleased to hold a license in the State of Iowa and have a great relationship with their partner, Dubuque Racing Association, LTD. She said 2023 was a great year, revenue and attendance were up, and they had an 18% increase in non-gaming revenue. She said they focus on spending local when possible.

Mr. Dixon started by saying it is an absolute pleasure to work with Wendy and Diamond Jo, LLC. He said they have had over a billion-dollar impact on the community since 1985 and that even though they compete for customers they collaborate on community.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to renew the license to conduct gambling games to Dubuque Racing Association, Ltd., renew the license to operate Diamond Jo, LLC as a gambling structure, renew the license to conduct sports wagering to Diamond Jo, LLC, and approve the facility's revised security plan included in the application. Commissioner Campbell seconded the motion, which carried unanimously.

Iowa West Racing Association/Harveys Iowa Management Company LLC: Thomas Roberts, General Manager, Harveys Iowa Management Company LLC and Brenda Mainwaring, President and CEO, Iowa West Racing Association respectfully requested their licenses be renewed.

Ms. Mainwaring expressed her appreciation to Harrah's. She said they have made significant improvements and as soon as you walk in the door you can see that is the case. She said their commitment to Council Bluffs is very clear and she appreciates the investment they are making in the community.

Mr. Roberts started by thanking Brenda for her kind words. He said their gross gaming revenue was down in 2023 due to the impact of the addition of slot machines in Nebraska. He said however, their net revenue wasn't down as much as the gaming revenue due to improved hotel and restaurant operations.

Commissioner Burkhardt asked Mr. Roberts to discuss the continued plans to mitigate law enforcement calls.

Mr. Roberts said they will better educate their employees to be proactive on the front end. He said training is key. He said they will have multiple people on the front doors to check ID's, but he also stated that sometimes calling is a better solution then allowing them to leave in a car and get hurt.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to renew the license to conduct gambling games to Iowa West Racing

Association, renew the license to operate Harveys Iowa Management Company LLC as a gambling structure, and renew the license to conduct sports wagering to Harveys Iowa Management Company LLC, and approve the facility's revised security plan included in the application. Commissioner Campbell seconded the motion, which carried unanimously.

Contracts: Mr. Roberts presented the following contracts for Commission approval:

- Custom Concrete Designs – Concrete replacement vendor (OSV)
- Facility Gateway Corp – UPS and battery service for mission critical systems (OSV)
- Sysco – Food supplier

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contract as submitted by Harveys Iowa Management Company LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

Scott County Regional Authority/Isle of Capri Bettendorf, L.C.: Nancy Ballenger, Vice President and General Manager, Isle of Capri Bettendorf, L.C. and Chad Manternach, President, Scott County Regional Authority respectfully requested their licenses be renewed.

Ms. Ballenger said the market was a little bit soft in 2023 and especially the 2nd half where they saw a decline. She is excited about 2024 though and said their hotel is the largest in Iowa. They continue to host events that bring people to the State of Iowa. She said they have been working with Scott County Regional Authority since 1991 and have one of the longest standing partnerships. They have a lot of great history with them and a lot of great work has been done.

Mr. Manternach said that in 2023 they provided \$3 million worth of grants and funded 93 projects. He said since 1991 they have provided \$98 million in grants and in 2024 they will surpass \$100 million. He said they are thrilled to work with Isle of Capri and they have been nothing but supportive of Scott County Regional Authority.

Commissioner Burkhart asked if there were any thoughts about evaluating times that they are experiencing peak calls to law enforcement.

Ms. Ballenger said they can take a look at that. She said they have implemented technology that allows them to scan license plates, so sometimes they catch people coming over the riverfront and apprehend them on the property grounds. They have a great relationship with law enforcement and will look at higher volume times.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to renew the license to conduct gambling games to Scott County Regional Authority, renew the license to operate Isle of Capri Bettendorf, L.C. as a gambling structure, renew the license to conduct sports wagering to Isle of Capri Bettendorf, L.C., and approve the facility's revised security plan included in the application. Commissioner Andres seconded the motion, which carried unanimously.

Chair Olsen called a 5-minute break at 10:42. Meeting resumed at 10:47.

Clarke County Development Corporation/HGI-Lakeside, LLC: David Monroe, General Manager, HGI-Lakeside, LLC and Bill Trickey, Executive Director, Clarke County Development Corporation respectfully requested their licenses be renewed.

Mr. Monroe commented that 2023 was a very challenging year due to weather related issues, including a hail storm that caused over \$8 million in damages. He said that he also felt that 2023 was also a good year in the sense that they built a foundation and gave them some momentum looking forward. As of January 15, 2024, they have expanded casino hours to 24/7. In 2023 they had capital investments of just around \$10 million and they hosted some special events. Their total economic impact on the State of Iowa was just under \$31 million and he said none of this would be possible without their relationship with their QSO partner.

Mr. Trickey stated that since opening 24 years ago, Lakeside has contributed \$23 million to the Clarke County Development Corporation. He discussed the numerous different things they have been able to do with that money and how it wouldn't be possible to do without them. Mr. Trickey commented that Mr. Monroe was his hero the last few years and commended him on his management efforts during the pandemic.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to renew the license to conduct gambling games to Clarke County Development Corporation, renew the license to operate HGI-Lakeside, LLC as a moored barge, renew the license to conduct sports wagering to HGI-Lakeside, LLC, and approve the facility's revised security plan included in the application. Commissioner Campbell seconded the motion, which carried unanimously.

Contract: Mr. Monroe presented a contract with Resolve Marine for purchases and maintenance for a stabilization project for the barge.

Chair Olsen asked how the project is going.

Mr. Monroe said it is going well. The boat is stable so no risk there. They are working diligently in trying to find additional water sources. They are entering the season where consumption will go up, but they are at a good place right now.

Commissioner Burkhart commented that this was the same contract that was presented and approved in December.

Mr. Monroe confirmed that is correct and said that they are accounting for a few more changes that are coming up.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contract as submitted by HGI-Lakeside, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

Dubuque Racing Association, LTD: Alex Dixon, President, Q Casino and Dubuque Racing Association, Ltd. respectfully requested their license be renewed.

Mr. Dixon said he would not restate what was already presented earlier for Dubuque Racing Association and the contributions that have been made as it was the same organization associated with Diamond Jo Casino and he would focus his attention on Q Casino.

Mr. Dixon said that in 2023, despite a decline in revenue, they were hard at work with a \$100 million casino renovation. He also noted that in April 2024 they will break ground on a new hotel.

Commissioner Campbell asked when the anticipated completion date would be for that.

Mr. Dixon said fall of 2025 is the forecasted completion date.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to renew the license to conduct gambling games to Dubuque Racing Association, Ltd., renew the license to operate Dubuque Racing Association, Ltd. as a gambling structure, renew the license to conduct sports wagering to Dubuque Racing Association, Ltd., and approve the facility's revised security plan included in the application. Commissioner Campbell seconded the motion, which carried unanimously.

Contract: Mr. Dixon presented a contract with GMA Consulting for a specialty service providing casino gaming analytics and strategy (OSV).

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contract as presented by Dubuque Racing Association, LTD. Commissioner Burkhardt seconded the motion, which carried unanimously.

Southeast Iowa Regional Riverboat Commission/Catfish Bend Casinos II, LLC: Rob Higgins, General Manager, Catfish Bend Casinos II, LLC and Justin Pieper, President, Southeast Iowa Regional Riverboat Commission respectfully requested their licenses be renewed.

Mr. Higgins stated he believes they have one of the most unique properties in the State of Iowa. They are proud of the location and the investment they have put into that. In 2023 they had the 2nd best year they have had in their company. They will continue to put money into the property in capital investments.

Mr. Pieper commented on the various different projects that they have helped fund and continue to contribute too, as well as all the different events hosted that are incredible for the community, that would not be possible without the funds from their partnership.

Commissioner Burkhardt asked them to describe how each entity further distributes the funds back into the community.

Mr. Pieper said the funds that go into Burlington partnership are used for the Burlington community. The city of Keokuk's money flows through the tourism commission and into the city for improvement on the theater and some different projects the city is working on.

Commissioner Campbell questioned if there are 3 boards or just one board that the money flows through.

Mr. Pieper explained that the SIRRC board has general oversight into the distribution of funds, but that the funds are distributed evenly to 3 different communities, Burlington, Fort Madison and Keokuk.

Mr. Higgins said that they have a fantastic relationship with SIRRC and that they have made the changes to split the funds between the 3 communities and it has gone better than anticipated. He believes this is a positive situation and it is moving forward very well.

Commissioner Campbell asked Mr. Higgins to comment on the communication challenges with IRGC staff.

Mr. Higgins said one of the things he really focused on was making sure that anything that takes place in their facility, DCI and IRGC staff are made aware of. One of the challenges they have is that their security group are licensed through the IRGC Commission but they help on the hotel side and entertainment side. They have gotten better at working with their gaming representative so she knows anything that takes place that the security group handles. Everything that takes place at the facility is immediately communicated to DCI and IRGC.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to renew the license to conduct gambling games to Southeast Iowa Regional Riverboat Commission, renew the license to operate Catfish Bend Casinos II, LLC as a gambling structure, renew the license to conduct sports wagering to Catfish Bend Casinos II, LLC, and approve the facility's revised security plan included in the application. Commissioner Ostergren seconded the motion, which carried unanimously.

Grow Greene County Gaming Corporation/Wild Rose Jefferson, L.L.C.: Travis Dvorak, General Manager, Wild Rose Jefferson, L.L.C. and Bob Allen, Treasurer, Grow Greene County Gaming Corporation respectfully request their licenses be renewed.

Mr. Allen stated that he could not be happier with the partnership they have and that partnership takes teamwork and collaboration. Wild Rose Jefferson agreed to increase the percentage, allowing them to share with their neighboring counties. He commented on the numerous different projects they were able to help fund.

Mr. Dvorak gave a brief summary of the past year. He said in 2023 they had records in both gaming revenue and total revenue. He said it was their best year ever. He stated the only low

point was not a lot of interest in off track betting, so they ended that on December 31, 2023. They had an economic impact of \$38 million.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to renew the license to conduct gambling games to Grow Greene County Gaming Corporation, renew the license to operate Wild Rose Jefferson, L.L.C. as a gambling structure, renew the license to conduct sports wagering to Wild Rose Jefferson, L.L.C, and approve the facility's revised security plan included in the application. Commissioner Burkhardt seconded the motion, which carried unanimously.

Clinton County Development Association/Wild Rose Clinton, L.L.C.: Steve Nauman, General Manager, Wild Rose Clinton, L.L.C. and Joel Dieckmann, President, Clinton County Development Association respectfully requested their licenses be renewed.

Mr. Nauman said that 2023 was a great year for them. They saw increases in revenue across the board. He touched on a 3-year facility update they have been working on and what has been done in 2022 and 2023 and what is still to come in 2024. He also said they are the #1 in entertainment facility in the county. He also mentioned that 95.77% of their purchases are from Iowa vendors and their economic impact for 2023 was \$39 million.

Mr. Dieckmann stated that it was a great year and he thanked Steve and his staff for a great partnership and what they have done for the community. He said they have been able to give over \$900,000 in grants to 31 different organizations.

Mr. Nauman commented that he owns property in Alabama and they are looking to open ten casinos. He talked to some legislators in Alabama and told them they need to look at the Iowa model because he feels the Iowa model is a showcase for the country.

Chair Olsen agreed that the Iowa model and the facilities working with the QSO's is the way to go. He said it's just a feel-good meeting and shows how important gaming is to the community.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to renew the license to conduct gambling games to Clinton County Development Association, renew the license to operate Wild Rose Clinton, L.L.C. as a gambling structure, renew the license to conduct sports wagering to Wild Rose Clinton, L.L.C, and approve the facility's revised security plan included in the application. Commissioner Burkhardt seconded the motion, which carried unanimously.

Contracts: Mr. Nauman presented the following contracts for Commission approval:

- Trane U.S. Inc. – Replace and repair roof top units
- Liebl Marketing Group – Marketing agency for advertisement
- The Printer, Inc. – Printing company for mailers
- Clinton National Bank – Bank services and credit cards

- 7G Distributing LLC – Beer distributor

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contract as presented by Wild Rose Clinton, L.L.C.. Commissioner Campbell seconded the motion, which carried unanimously.

Palo Alto County Gaming Development Corporation/Wild Rose Emmetsburg, L.L.C.: Steve Cody, General Manager, Wild Rose Emmetsburg, L.L.C. and Brian Bormann, President, Palo Alto County Gaming Development Corporation respectfully requested their licenses be renewed.

Mr. Cody said 2023 was their 2nd best year in gaming revenue. He touched on the many different capital improvement projects they have made and said hotel renovations will be started soon.

Mr. Bormann said they have a great working relationship with Wild Rose Emmetsburg. He commented that Mr. Cody attends their monthly meetings, and if he is unable to, someone will come in his place as there is always a member of Wild Rose Emmetsburg at the meetings. The communication has been beneficial to both parties. He also stated that 2023 was a record year for them. He said they received \$2.15 million from Wild Rose Emmetsburg and it was the first time it was over \$2 million.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to renew the license to conduct gambling games to Palo Alto County Gaming Development Corporation, renew the license to operate Wild Rose Emmetsburg, L.L.C. as a gambling structure, renew the license to conduct sports wagering to Wild Rose Emmetsburg, L.L.C., and approve the facility's revised security plan included in the application. Commissioner Andres seconded the motion, which carried unanimously.

Contracts: Mr. Cody presented the following contracts for Commission approval:

- Black Hawk Roof Company – Repairs to facility & structures following hail storm. Will be reimbursed up to \$298k – insurance.
- USA Security – Surveillance equipment upgrade and yearly maintenance fees

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contract as presented by Wild Rose Emmetsburg, L.L.C.. Commissioner Ostergren seconded the motion, which carried unanimously.

Upper Mississippi Gaming Corporation/Casino Queen Marquette, Inc.: Robin Corbeil, General Manager, Casino Queen Marquette, Inc. and Dan Kuempel, Executive Director, Upper Mississippi Gaming Corporation respectfully request their licenses be renewed.

Ms. Corbeil started by saying they had a good year, even being closed seven days for flooding. Turnover rate was down 16.2%. They did not spend a lot of money on capital in 2023 due to the planned retirement of the boat, and the construction of the new landside facility.

Mr. Kuempel commented on the county being a very rural county, and they are very fortunate to have a casino there to bring in tourists to help boost the economy. They were able to award around \$625,000 in grants. He is excited about the future and moving the casino to a land-based casino.

Chair Olsen thanked them and said he really enjoyed their presentation.

Commissioner Burkhart asked Ms. Eick if they will need a new contract once they move from the boat to land-based. Ms. Eick said the code doesn't require a new agreement but the parties are working on an updated agreement none the less.

Commissioner Burkhart asked if they are still planning to open the land-based casino in December.

Ms. Corbeil said weather permitting that is the plan.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to renew the license to conduct gambling games to Upper Mississippi Gaming Corporation, renew the license to operate Casino Queen Marquette, Inc. as an excursion boat that will not cruise, renew the license to conduct sports wagering to Casino Queen Marquette, Inc., and approve the facility's revised security plan included in the application. Commissioner Andres seconded the motion, which carried unanimously.

HORSESHOE CASINO: Mr. Roberts presented the following contracts for Commission approval:

- Hilton – Franchise, royalty and marking fees for Hilton naming rights on hotel
- Sysco – Food supplier

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as presented by Horseshoe Casino. Commissioner Andres seconded the motion, which carried unanimously.

PRAIRIE MEADOWS RACETRACK & CASINO, INC.: Mr. Palmer presented the following contracts for Commission approval:

- Copy Systems (Banleaco Leasing) – Lease of office copiers
- Groove Technology Solutions – DirecTV service in the hotel (OSV)
- Karl Chevrolet – Vehicles
- Sys-Kool LLC – Water cooling tower service (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as presented by Prairie Meadows Racetrack & Casino, Inc. Commissioner Burkhart seconded the motion, which carried unanimously.

HEARINGS:

Bally's Management Group, LLC: Ms. Eick presented the Stipulated Agreement for violations of Iowa Code § 99F.13 and 491 IAC 13.2(10)"c", for late submission of their financial audit. Brett Calapp, Chief Operating Officer, commented on the company going through a lot of changes with staff as well as updating policies and procedures. They are making these changes to get this information to us in a timely manner. They are constantly working on these things and refining to get us what we need.

Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the Stipulated Agreement with an administrative penalty of \$15,000. Commissioner Ostergren seconded the motion, which carried unanimously.

BetMGM, LLC: Ms. Eick presented the Stipulated Agreement for violations of Iowa Code § 99F.4(22), for allowing two self-excluded individuals to obtain accounts and wager. The individuals also received promotional contacts. Richard Taylor, Senior Manager, Responsible Gaming, stated they fell short and they are regretful. They take full responsibility for their mistake and have learned and corrected these technical errors.

Commissioner Campbell asked if they are confident this was a technical error.

Mr. Taylor answered in the affirmative and stated they have conducted several tests with different ID's and they run monthly audits to make sure it is working correctly.

Chair Olsen requested a motion. Commissioner Campbell moved to approve the Stipulated Agreement with an administrative penalty of \$20,000. Commissioner Ostergren seconded the motion, which carried unanimously.

Dubuque Racing Association, Ltd: Ms. Eick presented the Stipulated Agreement for violations of Iowa Code § 99F.4(22), for failure to download from the self-exclusion database in a timely fashion. Alex Dixon, President, stated they appointed their first ever compliance manager to align with all the components of compliance. This was human error and therefore they now have three members of their team looking to implement a process for automatic download.

Commissioner Burkhardt asked Ms. Eick if she is aware of any violations from the date of this violation.

Ms. Eick said she is not aware of any, and Mr. Dixon agreed.

Chair Olsen requested a motion. Commissioner Andres moved to approve the Stipulated Agreement with an administrative penalty of \$5,000. Commissioner Burkhardt seconded the motion, which carried unanimously.

PointsBet Iowa LLC: Ms. Eick presented the Stipulated Agreement for violations of Iowa Code § 99F.4(22), for marketing to 104 individuals on the self-exclusion list. Michael Levine, Director, Senior Regulatory Counsel, they take pride on the responsible gaming measures, including those responsible marketing measures.

Commissioner Ostergren asked what has been done to make sure this doesn't happen again.

Mr. Levine said the short answer is that they have fully migrated the PointsBet platform to the Fanatics platform. It's a different marketing program and self-exclusion platform across the board so if they are self-excluded in one state they are self-excluded here as well. They monitor this on a daily basis so that no individual that has opted out or is on the self-exclusion list will get their mailers.

Chair Olsen requested a motion. Commissioner Ostergren moved to approve the Stipulated Agreement with an administrative penalty of \$10,000. Commissioner Campbell seconded the motion, which carried unanimously.

PUBLIC COMMENT: There were no public comments.

ADMINISTRATIVE BUSINESS:

Review of Year-to-Date Economic Impact Reports: Ms. Eick advised Iowa Code requires that a substantial amount of all resources and goods used in the operation of the casinos emanate from or are made in Iowa, and that a substantial amount of all services and entertainment are provided by Iowans, which is why the Commission focuses on the utilization of Iowa vendors when they are reviewing the contracts presented for approval. Ms. Eick reported that \$1.3 billion was spent in calendar year 2023 with Iowa vendors, or 90.98% of all spending by the casinos. If items that are not available in Iowa such as slot machines and related products are excluded, the spend with Iowa vendors is 94.87%.

Approval of Iowa Race Horse After Care Fund: Ms. Eick advised there is \$14,458 available for distribution. Ms. Eick stated there was one application for the funds, Hope After Racing Thoroughbreds (HART), which met the requirements and requested approval of the distribution of funds to HART.

Hearing no comments for discussion, Vice Chair Olsen requested a motion. Commissioner Andres moved to approve the distribution of the Iowa Race Horse After Care Fund to Hope After Racing Thoroughbreds. Commissioner Campbell seconded the motion, which carried unanimously.

Notice of Horse Racing Promotion Fund: Ms. Eick advised there is \$1,939.80 available in the Horse Racing Promotion Fund. Qualified applicants should submit their request for the funds to the Des Moines Commission office by 3:30 PM on April 3, 2024.

Notice of Purse Amounts pursuant to Iowa Code § 99F.6(4)a(3): Ms. Eick announced the purse amounts for the racing industry for 2024 as reported by Prairie Meadows are as follows:

- Thoroughbreds - \$19,178,928.89
- Quarter Horses - \$3,848,414.33
- Standardbreds - \$2,208,106.58

Any questions regarding the calculations should be directed to the Commission office or Prairie Meadows.

ADJOURN: Chair Olsen adjourned the meeting at 11:55 AM.

MINUTES TAKEN BY:


CHANTELLE ARMINTROUT

**IOWA RACING AND GAMING COMMISSION
MINUTES
APRIL 18, 2024**

The Iowa Racing and Gaming Commission (IRGC) met on Thursday, April 18, 2024 at The Mid-America Center in Council Bluffs, Iowa. Commission members present were Daryl Olsen, Chair; Mark Campbell, Vice Chair; and members Amy Burkhart, Julie Andres and Alan Ostergren.

APPROVE AGENDA: Chair Olsen called the meeting to order at 8:30 AM and requested a motion to approve the agenda. Commissioner Ostergren moved to approve the agenda as presented. Commissioner Burkhart seconded the motion, which carried unanimously.

APPROVE MINUTES: Chair Olsen requested a motion to approve the minutes from the March 5, 2024 Commission meeting. Commissioner Andres moved to approve the minutes as printed. Commissioner Campbell seconded the motion, which carried unanimously.

WELCOME: Thomas Roberts, Senior Vice President and General Manager, Harrah's Council Bluffs Hotel and Casino, welcomed the Commission to Council Bluffs. He thanked them for staying at Harrah's the night before and apologized for the hotel remodel not being finished. He said the renovations should be starting May 7th and it should be all completed by the end of the year. He announced that the Mayor was running late and might not be able to make it. He then introduced Brenda Mainwaring, President and CEO, Iowa West Racing Association.

Ms. Mainwaring welcomed everyone and said Council Bluffs is thriving and doing wonderful things. She asked that the board members in attendance at the meeting stand up to be recognized and thanked them for coming. She then shared a short slideshow that she said shows how they view Council Bluffs. After the slideshow she said she loves to share that to show how they are serving their community in ways that strengthen the community. She then shared three projects that have transformed Council Bluffs because of the thriving gaming community. One is free Wi-Fi that is offered to local students and residents and soon will be available in every neighborhood in Council Bluffs. The second is the Mt. Crescent Ski Hills that were awarded the 2023 Outstanding Attraction Award. This attraction has dramatically added to Council Bluffs tourism. And the third is a new multi mobile bridge that will run from Council Bluffs to Omaha. She said all of this is possible due to their partnership with their gaming partners.

Chair Olsen said he appreciates all that their organization does and thanked them for all of their hard work.

ANNOUNCEMENTS: Tina Eick, Administrator of IRGC, advised there would be no meeting in May. The next Commission meeting will be held at Wild Rose Clinton in Clinton on June 13, 2024. Submissions for that meeting are due by May 30, 2024.

Ms. Eick announced the following proposed meeting dates for Fiscal Year 2025:

- July 8, 2024 Prairie Meadows Racetrack & Casino, Altoona

- August 29, 2024 Riverside Casino & Golf Resort, Riverside
- September 2024 No Meeting
- October 3, 2024 Isle of Capri, Bettendorf
- November 21, 2024 Catfish Bend, Burlington
- December 2024 No Meeting
- January 23, 2025 Wild Rose Jefferson, Jefferson
- February 2025 No Meeting
- March 6, 2025 Prairie Meadows Racetrack & Casino, Altoona
- April 24, 2025 Hilton Garden Inn, Council Bluffs (Horseshoe)
- May 2025 No Meeting
- June 19, 2025 Q Casino, Dubuque

She advised the upcoming July meeting will be held on a Monday afternoon, and the Commission will observe the races after the meeting.

Ms. Eick introduced the following staff members: Cory Ostermeyer and Melinda Bingham from Ameristar, Jeff Rethmeier and Lori Cap from Harrah's, and Bryan Crowdy, Steven Vang and Deb Kissel from Horseshoe. She thanked them for their work on behalf of the Commission.

DUBUQUE RACING ASSOCIATION D/B/A Q CASINO: Alex Dixon, President and CEO, presented three items that they were seeking approval on, their updated financing, security plan and remodel. He touched on what has already been done and the next steps. He said upon approval from the Commission they will break ground on their new hotel immediately.

Hearing no comments or questions, Chair Olsen requested a motion on financing. Commissioner Campbell moved to approve the financing as presented by Dubuque Racing Association d/b/a Q Casino. Commissioner Ostergren seconded the motion, which carried unanimously.

Chair Olsen requested a motion on the revised security plan. Commissioner Burkhart moved to approve the revised security plan as presented by Dubuque Racing Association d/b/a Q Casino. Commissioner Andres seconded the motion, which carried unanimously.

Chair Olsen requested a motion on the remodeling. Commissioner Ostergren moved to approve the remodeling plan as presented by Dubuque Racing Association d/b/a Q Casino. Commissioner Burkhart seconded the motion, which carried unanimously.

CATFISH BEND CASINOS II, LLC: Rob Higgins, General Manager, Catfish Bend Casinos II, LLC and Gary Hoyer, President & CEO, Great River Entertainment, LLC, requested approval of a remodeling plan. Mr. Higgins said the plan was to renovate their gift shop and move it to the foyer area which will be a much better location. He said the current gift shop area will then become a coffee shop, which is what it was previously.

Hearing no comments or questions, Chair Olsen requested a motion on the remodeling plan. Commissioner Burkhart moved to approve the remodeling plan as presented by Catfish Bend Casinos II, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Mr. Higgins also requested approval of the amended and substituted Sports Book and Online Casino/Gaming Agreement, by and between PointsBet and Catfish Bend Casinos. Mr. Higgins said that Fanatics (parent company to PointsBet) is well known and he believes this will really push their retail and online wagering. He said he has worked with them and spent time with them and he is really excited about bringing them on board.

Chair Olsen requested a motion on the amended and substituted Sports Book and Online Casino/Gaming Agreement, by and between PointsBet and Catfish Bend Casinos. Commissioner Andres moved to approve the agreement as presented by Catfish Bend Casinos II, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

DIAMOND JO WORTH, LLC: Scott Smith, General Manager requested approval of a remodeling plan. He presented the plans to remodel their Big Wheel Bar area. He said the area is 18 years old and needs to be updated. He said the remodel will create a bar/lounge area that will be more modern and comfortable and something the customers have been asking for. Upon approval they are wanting to get started right away and hopefully have it finished and be able to open up for football season.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the remodeling plan as presented by Diamond Jo Worth, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

CAESARS ENTERTAINMENT, INC.: Doug Gross, Member, BrownWinick Law Firm, presented their financing plans in an effort to improve Caesar's balance sheet over time. He said they have done substantial refinancing and paid off some of the legacy debt. He said all the debt is held by the holding company and so they need to pledge all the property to the guarantors. He said there is no additional debt being requested and in fact they are paying down debt.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the joinder pledge financing as presented by Caesars Entertainment, Inc. Commissioner Burkhart seconded the motion which carried unanimously.

IOC BLACK HAWK COUNTY, INC.: Chad Moine, Senior Vice President/General Manager, requested approval of a second amendment to Sports Book Operating Agreement between IOC Black Hawk County, Inc., d/b/a Isle Casino Hotel Waterloo and American Wagering, Inc.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve Second Amendment to Sports Book Operating agreement between IOC Black Hawk County, Inc. d/b/a Isle Casino Hotel Waterloo and American Wagering, Inc. conditioned upon the parties, prior to implementing the new operational structure, jointly submitting internal controls and procedures governing the responsibilities of each party for approval by commission staff. Commissioner Campbell seconded the motion, which carried unanimously.

REVIEW OF FACILITIES' FINANCIAL AUDITS:

Chair Olsen said that the Commission will hear from each of the facilities on the review of their financial audits. It is not something that the Commission needs to take action on rather it's just a report given by each entity. He said he is proud of the Commission as they took two days to meet with each of the entities earlier in the year to understand their capital needs, financing and concerns so they have already addressed a lot of these things. He stated that staff has already reviewed the audits so it is time to share anything special they might want to say.

Ameristar Casino Council Bluffs, LLC: Paul Czak, Vice President/General Manager, advised the audit was clean and had no material deficiencies or weaknesses. He said 2023 was a very successful year and the 4th quarter was the highest revenue quarter in the properties 28-year history. He said they expect their liquidity to remain strong in 2024. The company has no debt maturities until 2026. Mr. Czak said the debt to equity ratio will allow them to weather any financial down turns that may happen or take advantage of any opportunities that may come around. He also touched on the non-gaming revenue and said it was up 17%. He said that there is no way they would have been as successful as they were the last 18 months without the expansion of their non-gaming operations. Mr. Czak stated that after the last license becomes effective in Nebraska, he expects to be down about 25% for the remainder of the year and after that it should level off to about 20% before a ramp up to full or near full credit. He said whether that's years or months it is his and his team's job to make sure that ramp up is as short as possible.

Chair Olsen stated he is intrigued that the decrease in revenue is much smaller and he asked Mr. Czak to explain it or give his thoughts on that. He said maybe when Omaha opens it won't be as bad as he thinks. Mr. Czak said they have great teams, great properties and they have been doing it for a long time, so maybe it won't be 25%, but he thinks they need to be realistic about the potential loss.

Boyd Gaming Corporation:

Diamond Jo. LLC: John Sanchez, Director of Finance, said 2023 was a very successful year for them. He said both guest numbers and gross gaming revenue was up from 2022. He said that bettors were luckier in 2023 which led to an overall slight decline in their Sportsbook retail

revenue. He said non-gaming revenue continues to be a huge asset and total non-gaming revenue was up 18% from the prior year across the board. He said neither Diamond Jo properties have any stand-alone property debt. They ended 2023 with a very strong financial position. Mr. Sanchez touched on the challenges they expect for the current year. He believes those challenges will be inflation, high interest rates and economic uncertainty. He also believes expansions taking place around them could create some challenges as well.

Diamond Jo Worth, LLC: Scott Smith, General Manager, commented that their debt ratio for a company of their size is industry leading which they are very proud of. He said 2023 was a really successful year and ended up being their 2nd best year, which doesn't happen without the great team he gets to work with every single day. He discussed the slots being a major generator for the property and the importance of keeping slot play fresh. He said a year ago staffing was an issue, but today staffing is in a great position and they don't need to worry about closing down early. Having good team members makes it seem not as stressful. He then discussed the things they are adding on to build on to their future. He said January was a rough start to the year, but February and March were much better.

Caesars Entertainment, Inc.: Janae Sternberg, Vice President of Finance for Harrah's & Horseshoe, introduced Sally Rogers, Director of Finance at Isle of Capri Bettendorf, L.C. and Meagan Miller, Director of Finance at IOC Black Hawk County, Inc.

Ms. Sternberg advised the four Iowa properties had a clean audit. She said the company revenues continue to grow year over year and they continue to invest in new opportunities. She said 2023 was a very successful year for Horseshoe and Harrah's in Council Bluffs. It was their 3rd highest revenue year in property history. She discussed the property upgrades at both Harrah's and Horseshoe. She touched on the strides they have made to retain employees and she thinks they are positioned well as they wait for Omaha to open. She said they do expect to see declines in revenue in the Council Bluffs market due to competitors.

Ms. Sternberg said 2023 was also a very successful year for IOC Black Hawk County, Inc. They also reported the 3rd highest revenue in property history. She said their "market" located next to the hotel front desk is almost complete and they look forward to offering their guests that enhanced amenity. She said they will continue to work to attract guests and they expect similar results in 2024.

Ms. Sternberg said 2023 was a strong and successful year for Bettendorf as well. She said the non-gaming aspects of the business are extremely important to the property. Said the hotel and catering side had a record year in 2023 which they are very proud of. They are projecting a similar year for 2024.

Iowa West Racing Association (IWRA): Ms. Mainwaring introduced Jackie Dix, Controller, and said their auditor, KPMG, found no material weaknesses and no deficiencies. She said she already discussed their gaming and so she has nothing else to report but she would be happy to answer any questions.

Casino Queen Marquette, Inc.: Nick Walling, Director of Finance introduced Robin Corbeil, General Manager. He said 2023 was better than expected for table games and retail sports, but they did see a slight decline in slot revenue. He said they are excited about looking ahead at moving to land based, but they will experience some small disruptions during construction at the current entrance. He said they have plans in place to minimize the disruption.

Catfish Bend Casinos, LLC: Rob Higgins, General Manager, introduced Marty Bowen, Controller and said he deserves a lot of the credit for them having a clean audit for the first time in a while and therefore they are thrilled to have him on their team in that position. Mr. Higgins said 2023 was a great year. He said they have very low debt and in fact, no debt on the Catfish Bend Casino side. He touched on January 2024 being a rough month. He said they got 3 years of snow in one month, but they are fighting back and things look promising as March was a great month. Mr. Higgins said they have a very unique property and the expansion of Fun City and the courts project has been a fantastic addition for Southeast Iowa and Western Illinois. He said the tournaments they hold there on the weekends bring in a lot of people and the hotel is always very full. He said they are a small group in a small market but try to compete at the highest level. They try to bring everything they can to the community and he's looking forward to when the work is done and they can focus on the day to day business.

Dubuque Racing Association, LTD (DRA): Mr. Dixon was happy to report a clean audit. He said they have invested in some software to help them keep track of their assets as their company will double in size once the hotel is complete. He said they have seen some disruption in business due to the construction, but its what they expected would happen when taking out 50% of the gaming floor. They are on schedule for a summer opening and they are very excited about that. Mr. Dixon commented on the balance sheet and said they have a seven-million-dollar rainy day reserve, so although their debt is increasing, they have never been stronger in their cash balance. He said he looks forward to the future developments. He said it will take time but it will bode well for them in the future.

Elite Casino Resorts, LLC: Dan White, Chief Financial Officer, thanked the Commission for allowing him to present Elite's consolidated financial report for 2023, which includes Riverside Casino & Golf Resort, LLC, Grand Falls Casino Resort, LLC, Rhythm City Casino, LLC and the Elite Hospitality. He said revenues were flat for the year for the Iowa properties and sportsbooks. He said gaming revenue was down, offset by an increase in non-gaming revenue.

HGI-Lakeside, LLC: David Monroe, General Manager, introduced Marc Estrada, Director of Finance and said he has been with them for over a year and has been doing an amazing job. Mr. Monroe said 2023 was a successful financial year despite revenues being down. He said considering the renovation project going on and disrupting business, he considers it a foundation building year. He said January and February reflect this. He stated they have increased live entertainment and they are hosting more events in 2024 and he is feeling very optimistic for 2024. Mr. Monroe said their audit was clean with no significant findings.

SCE Partners, LLC: Andrew Limoges, Director of Finance, stated there was no material deficiencies in their audit and they take pride in the fact that there have been no deficiencies for several years in a row now. He said 2023 was a successful year for them. He said like many of their neighboring casinos they saw a decrease in revenue, but they were able to overcome a lot of challenges that came up this year. He said staffing continued to be a problem in 2023 as the labor pool in Sioux City is very much manufacturing. He said they took great strides in 2023 to make sure they have the workforce that they need to be able to continue. He said investing in non-gaming areas is great for them. They will continue to bring in great entertainment for their patrons.

Wild Rose Entertainment, L.L.L.P.: Brian Diver, President and Chief Executive Officer, introduced Steve Cody, General Manager, Wild Rose Emmetsburg, Rick Gilson, Vice President of Operations, and Travis Dvorak, General Manager, Wild Rose Jefferson. Mr. Diver said 2023 was a great year of growth. Gaming revenue was up mostly for slots and sportsbook, but also off-track betting in Clinton which had a strong year. Non-gaming revenue was also up, mostly driven by food and beverage, but also events at the property. He said financially they are in great shape with a strong balance sheet and low debt ratio. They continue strong in their refresh projects, both ones you can see and ones you can't see. He touched on their strong relationship with their QSO's and commented that they meet monthly. He said it was a good strong year, they are off to a good start in 2024 and look forward to a strong year this year as well.

Prairie Meadows Racetrack & Casino, Inc. (PMRC): Gary Palmer, General Manager, said they had another clean audit this year, and that 2023 was the best year they've ever had. He said they had a lot of renovations in 2023 and touched on a few of those renovations. He said the first three months were flat, but January started the year down quite a bit, so they are happy with that. He said their projections for the future are good. He said non-gaming areas are doing well. He commented that the hotel revenue was probably the best they have had since the hotel opened. Mr. Palmer said starting out the first quarter of 2024, food and beverage are making some remarkable changes that he is looking forward to.

CONTRACT APPROVALS (OSV = OUT OF STATE VENDOR; RP = RELATED PARTY):

Dubuque Racing Association, Ltd.: Mr. Dixon requested approval of the Amended and Restated Lease Agreement (RP) with the City of Dubuque.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the Amended and Restated Lease Agreement with the City of Dubuque as submitted by Dubuque Racing Association, Ltd. Commissioner Campbell seconded the motion, which carried unanimously.

Mr. Dixon also presented the following contracts for Commission approval:

- Assured Partners – Insurance: Commercial Property, Crime, Management Liability, Cyber and Builders Risk
- City of Dubuque – Chaplain Schmitt Island Project (RP)

- Cottingham & Butler Insurance – Insurance: General/Liquor Liability, Business Auto & Umbrella
- Midwest One Bank – Loan for Financing Chaplain Schmitt Memorial Project
- This is Iowa Ballpark, Inc. – Field of Dreams Sponsorship Agreement

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as submitted by Dubuque Racing Association, Ltd. Commissioner Burkhardt seconded the motion, which carried unanimously.

Casino Queen Marquette, Inc.: Ms. Corbeil presented the following contracts for Commission approval:

- Canadian Pacific Railroad – Land Rental Fee
- Marquette Hotel Group, LLC d.b.a. Cobblestone – Hotel Rooms – Bookings and Rentals
- USA Security, Inc. – Surveillance Digital Recording System. Ongoing Service and Maintenance.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contracts as submitted by Casino Queen Marquette, Inc. Commissioner Campbell seconded the motion, which carried unanimously.

Riverside Casino & Golf Resort, LLC: Damon John, General Manager, presented the following contracts for Commission approval:

- Edward Don & Company – Dishwasher Hobart Flight Model
- MTI Distributing – Golf Course Equipment

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the contracts as submitted by Riverside Casino & Golf Resort, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Horseshoe Casino: Mr. Roberts presented the following contracts for Commission approval:

- Comdata, Inc. – Electronic Gift Cards (OSV)
- Prairie Mechanical Corporation – Boiler Replacement (OSV)
- Waldinger Corporation – Mechanical, Electrical and Service Contractor

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the contracts as submitted by Horseshoe Casino. Commissioner Burkhardt seconded the motion, which carried unanimously.

Wild Rose Jefferson, LLC: Mr. Dvorak presented a contract with Crane-Cummins-Allison for a Count Room Machine (with strapper) and On-Going Maintenance.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contract as submitted by Wild Rose Jefferson, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Diamond Jo Dubuque: Mr. Sanchez presented the following contracts for Commission approval:

- Top Billing Entertainment, LLC – Entertainment Booking (OSV)
- Sysco Iowa, Inc. – Food & Beverage Purveyor
- NRT Technology – Cash Advance and Kiosk Services – Extension of Contracted Services Extended as per Agreement (OSV)
- Lifeline Audio Video Technologies – Bowling Alley AV Upgrade (OSV)

Commissioner Burkhart commented that she appreciated the extra narrative that they provided to go along with their out of state vendors.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by Diamond Jo Dubuque. Commissioner Andres seconded the motion, which carried unanimously.

Catfish Bend Casino: Mr. Higgins presented the following contracts for Commission approval:

- Atlantic Coca-Cola Bottling Company – Purchase of Coca-Cola Products
- Brockway Mechanical & Roofing – Roof Replacement of the Ballasted EPDM Roof at the Casino
- Conceptual Designs, Inc. d/b/a Within by Conceptual Designs – Design Work for the New Gift Shop and Fixtures and Design Work on the Casino Remodel
- Golden Eagle Distributing Company – Purchase of Beer
- Iowa Beverage – Purchase of Beer
- Martini's Grille – As part of various promotions, the casino will pay certain meals up to a pre-determined price (RP)
- Spirit Hollow Golf Course – As part of various promotions, the casino will pay green fees and the use of the course (RP)
- Winegard Realty Company – Contract Labor Services as Needed (RP)
- World Insurance Associates LLC – Purchase of Employee Health Insurance
- W.R. Faeth Wholesale – Purchase of Cigarettes

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as submitted by Catfish Bend Casino. Commissioner Campbell seconded the motion, which carried unanimously.

Ameristar Casino Council Bluffs, LLC: Mr. Czak presented the following contracts for Commission approval:

- Core BTS Core Care Services – Maintenance and Service Agreement of IT Infrastructure (OSV)
- Sysco Lincoln – Food Provider
- Schindler Elevator Corporation – Vertical Transportation Service

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by Ameristar Casino Council Bluffs, LLC. Commissioner Andres seconded the motion, which carried unanimously.

HGI-Lakeside, LLC: Mr. Monroe presented the following contracts for Commission approval:

- Golden Eagle Distributing Co. – Renewal for Continuation of Beer Purchases
- The Waldinger Corporation – Replace End of Life Units

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as submitted by HGI-Lakeside, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

IOC Black Hawk County, Inc.: Mr. Moine presented a contract with Riley's Flooring, Inc for flooring materials and labor.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contract as submitted by IOC Black Hawk County, Inc. Commissioner Andres seconded the motion, which carried unanimously.

SCE Partners LLC: Doug Fisher, General Manager, presented the following contracts for Commission approval:

- Electronic Communications Iowa, Inc. – Surveillance Cameras & Digital Recording System
- State of Iowa – Alcohol Beverages Division – Alcoholic Beverages
- W.A. Klinger, LLC – General Contractor for Updating the Buffet Space to Event Space. Plans to be shared as available.
- C3 Booking, LLC – C3 will become the main talent agency
- First American Bankcard, Inc. dba FABICash – Check Cashing & Cash Advance Services (OSV)
- Magnolia Hill, LLC dba Riverwalk Casino Hotel – Hard Rock is selling a craps table to Riverwalk. Riverwalk is Owned by Churchill Downs. (RP)(OSV)

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as submitted by SCE Partners LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

Commissioner Campbell asked about them selling the craps table. Mr. Fisher said they are selling the craps table to one of their sister properties.

PUBLIC COMMENT: There were no public comments.

HEARINGS:

Rush Street Interactive IA, LLC: Ms. Eick presented the Stipulated Agreement for violations of Iowa Code § 99F.4(22) (Self-Exclusion) and 491 IAC 13.2(7)"e" (Failure to Report). This was a two-count violation. For Count 1, Commission staff conducted an audit on August 22, 2023 using the exclusion downloads report in the self-exclusion system and found a lapse in downloads, which was not reported to the Commission. For Count 2, Commission staff conducted an audit on November 27, 2023 using the exclusion downloads report in the self-exclusion system and found a lapse in downloads.

Laura McAllister Cox, Chief Compliance Officer for Rush Street Interactive, L.P. stated these were the result of human error. She said they have transitioned some of the responsible gaming staff, hired a new Responsible Gaming Manager, and brought on a Responsible Gaming Analyst, to try to make sure this does not happen in the future.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the Stipulated Agreement with the following administrative penalties: Count 1 - \$5,000.00, and Count 2 - \$20,000.00. Commissioner Campbell seconded the motion, which carried unanimously.

Betfred Sports (Iowa) LLC: Ms. Eick presented 3 separate Stipulated Agreements for Betfred Sports (Iowa) LLC.

The first Stipulated Agreement was for violations of Iowa Code § 99F.9(7) (Credit Card Transactions). On April 8, 2023, Sightline, a third-party payment processor, discovered that one \$80 credit card transaction had been allowed to fund a Betfred Sportsbook account in Iowa.

Maile Keliikoa, Senior Director of Compliance, Betfred Sports (Iowa) LLC, explained the issue was limited to a specific credit card issuer and a block was added to prevent this from occurring again.

Commissioner Burkhart said that in 2022 operators that used Sightline had several violations similar to this and the Commissioners were under the impression they had control on this. She asked Ms. Eick for further information on this. Ms. Eick said that the licensees are tasked with working with the vendor to do periodic compliance checks. Credit card BIN numbers continually change so there are opportunities for some of them to unfortunately slip through, which is why the need for the continual compliance or checks. Ms. Eick said we do appreciate the fact that Betfred did that as part of their policy.

Hearing no further comments or questions, Chair Olsen requested a motion for the first stipulation. Commissioner Andres moved to approve the Stipulated Agreement with an administrative penalty of \$10,000.00. Commissioner Burkhardt seconded the motion, which carried unanimously.

The second Stipulated Agreement was for violations of Iowa Code § 99F.3, Iowa Code § 99F.1(29) and 491 IAC 13.3(1) (Impermissible Wagers). On February 8, 2023, Commission staff notified Betfred Sportsbook of a sports market they were offering for Super Bowl LVII, the result of each quarterback's first pass attempt. This is not an authorized wager by the Commission because of its ability to be determined by one person in one play.

Maile Keliikoa said in July 2023 they had a complete organizational change and are conducting annual training to avoid this in the future.

Hearing no comments or questions, Chair Olsen requested a motion for the second stipulation. Commissioner Andres moved to approve the Stipulated Agreement with an administrative penalty of \$10,000.00. Commissioner Campbell seconded the motion, which carried unanimously.

The third Stipulated Agreement was for violations of Iowa Code § 99F.3, Iowa Code § 99F.1(24) and (29) (Impermissible Wagers). On August 31, 2023, Betfred Sportsbook reported to Commission staff that wagering markets had been offered involving penalty cards given out in soccer matches. The issuing of penalty cards in a soccer match is an officiating-related decision. These are impermissible wagers as directly stated in the Commission's publicly approved wager list.

Maile Keliikoa said there were templates in place that were the problem. They have unmasked the trouble and the impermissible wagers were immediately reported.

Hearing no comments or questions, Chair Olsen requested a motion for the third stipulation. Commissioner Andres moved to approve the Stipulated Agreement with an administrative penalty of \$15,000.00. Commissioner Burkhardt seconded the motion, which carried unanimously.

Grand Falls Casino Resort, LLC: Ms. Eick presented the Stipulated Agreement for a violation of Iowa Code § 99F.9(5) (Minor). On June 11, 2023 an underage patron attempted to enter the gaming floor with valid identification which revealed he was underage. He was appropriately denied entry. However, he later attempted to again enter the gaming floor and was allowed to enter the gaming floor unchallenged. The patron was later identified as being underage and was escorted off the gaming floor after being on the gaming floor for 70 minutes and gambling at nine slot machines.

Sharon Haselhoff, Regional Vice President and General Manager, stated they take matters like this seriously. She acknowledged that staff did not do their job, but they are making sure this doesn't happen again. She said they have some staff that is no longer with them because they did not agree with their policies. They have a former DCI agent coming in to train employees on license verification to reduce incidents. She also apologized to the Commission.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the Stipulated Agreement with an administrative penalty of \$20,000.00. Commissioner Burkhart seconded the motion, which carried unanimously.

SCE Partners, LLC: Ms. Eick presented the Stipulated Agreement for a violation of Iowa Code § 99F.4(22) (Self-Exclusion). This was a two-count violation. For Count 1, on June 5, 2023 an individual completed a self-exclusion enrollment form at Hard Rock. The information should have been uploaded into the self-exclusion system on or before June 12, 2023, but it was not uploaded until June 13, 2023. For Count 2, on or about May 26, 2023 an individual contacted Hard Rock Sportsbook about his ability to place wagers through the Hard Rock Sportsbook app. On May 26, 2023, Hard Rock Sportsbook reported the information to Commission staff and immediately disabled the individuals sports wagering account. They also did an investigation into the incident.

Mr. Fisher commented on each count. For Count 1, he stated that there was a setting on their printer that prevented the information getting to the folks it was supposed to get to. They have since fixed the setting on the printer and added calendar reminders as well as instituted procedures to have staff double check the settings to avoid this happening again. For Count 2, he stated that this was an error on one team member and they have since implemented dual controls to avoid this from happening again.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the Stipulated Agreement with the following administrative penalties: Count 1 - \$5,000.00, and Count 2 - \$20,000.00. Commissioner Burkhart seconded the motion, which carried unanimously.

Commissioner Ostergren did have a comment for not only SCE Partners, LLC but for the entire industry. He stated that he thinks the Commission needs to look at how the stipulations are broken up and how they are tying the fine to the conduct. He said the self-exclusion list goes directly to the integrity of the industry. He finds it deeply frustrating that we have a self-exclusion program and it's not effective at times. Commissioner Ostergren said he is going to be an advocate in the future for tying the penalty to the conduct a little more closely. He encouraged the industry to double their efforts on self-exclusion both at the physical facility and sportsbook.

ADMINISTRATIVE BUSINESS:

Approval of Horse Racing Promotion Fund: Ms. Eick advised there was one applicant for the Horse Racing Promotion Fund – the Iowa Thoroughbred Breeders and Owners Association (ITBOA). There is \$1,939.80 available for distribution. Ms. Eick requested approval of the distribution of the funds to the ITBOA.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to distribute the Horse Racing Promotion Fund to the ITBOA. Commissioner Ostergren seconded the motion, which carried unanimously.

Approval of Voluntary Implementation Agreement with the Horseracing Integrity and Safety Authority (HISA): Ms. Eick said this request is to renew the agreement from last year and amend the agreement for some housekeeping matters such as updating the administrative staff and veterinary staff. She said the agreement is between HISA and the Iowa Racing and Gaming Commission. The agreement allows Commission staff to execute the responsibilities directed by HISA, and specifically, for the state racing stakeholders to receive the \$374,000 assessment credit being offered by HISA with the balance to be paid by the stakeholders at \$841,000. Ms. Eick said that this is not a perfect situation but it is the only way for the racing stakeholders to receive the assessment credit. She stated Commission staff is already doing the work required in the agreement. In discussions with industry representatives, they have made it clear they would prefer Commission employees do the work rather than HISA. The amendment was sent to the stakeholders and staff did not receive any feedback prior to the meeting. It is staff recommendation to move forward with the agreement and the amendment to that agreement.

Chair Olsen asked Ms. Eick if the \$374,000 was a negotiated amount or if it was take it and leave it. Ms. Eick confirmed it's take it or leave it.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to enter into the Voluntary Implementation Agreement with HISA. Commissioner Ostergren seconded the motion, which carried unanimously.

ADJOURN: Chair Olsen adjourned the meeting at 10:11 AM.

MINUTES TAKEN BY:


CHANTELLE ARMINTROUT

IOWA RACING AND GAMING COMMISSION

MINUTES

JUNE 13, 2024

The Iowa Racing and Gaming Commission (IRGC) met on Thursday, June 13, 2024 at Wild Rose Casino and Hotel Clinton in Clinton, Iowa. Commission members present were Chair, Daryl Olsen, and members Amy Burkhardt, Julie Andres and Alan Ostergren. Vice Chair, Mark Campbell attended virtually.

APPROVE AGENDA: Chair Olsen called the meeting to order at 8:29 AM and requested a motion to approve the agenda. Commissioner Burkhardt moved to approve the agenda as presented. Commissioner Ostergren seconded the motion, which carried unanimously.

Chair Olsen mentioned that Commissioner Campbell was joining the meeting remotely.

APPROVE MINUTES: Chair Olsen requested a motion to approve the minutes from the April 18, 2024 Commission meeting. Commissioner Ostergren moved to approve the minutes as presented. Commissioner Andres seconded the motion, which carried unanimously.

WELCOME: Steve Nauman, General Manager, welcomed everyone to Clinton. He told how he got started at the casino and how he moved up to his current position. He also mentioned many other employees and the positions they started in with the casino, how long they have been with the casino and what positions they are currently in. Mr. Nauman said that is what Wild Rose is all about. They all started out in the trenches and that is their culture and what they believe in.

Mr. Nauman then introduced Joel Dieckmann, President, Clinton County Development Association (CCDA). Mr. Dieckmann welcomed everyone and said they are proud to have everyone and show off the new space. He stated Wild Rose Clinton and CCDA have a great partnership and great relationship. He said since they have started they have given back over \$30 million to Clinton county. He then introduced Kathy Klahn, a new board member, and said they are happy to have her.

Mr. Nauman next introduced Scott Maddasion, Mayor of Clinton. He began by giving a heartfelt welcome to the Commissioners and guests. He said they are grateful to have everyone in Clinton and is glad that the Commission has a light agenda so they can explore the area. He mentioned many historic areas that are worth visiting and the river front that is the lifeboat of the community. Mr. Maddasion discussed the events held in the community and how the casino helps promote those events. He said Wild Rose to them is more than just a casino, more than just a hotel, more than just an entertainment venue. He said it truly is a pillar of the community, and what they do enriches the lives of many people. He ended by saying they are truly happy to have Wild Rose in their community. He is glad to have everyone here and hopes they have time to explore.

Mr. Nauman then took a moment to recognize Michelle Perino, Gaming Representative. And thanked her for her 30 years with the IRGC and Wild Rose Clinton.

ANNOUNCEMENTS: Tina Eick, Administrator of IRGC, stated the next Commission meeting will be Monday, July 8th at Prairie Meadows Racetrack & Casino. Submissions for this meeting are due in the Des Moines office by June 21st. She advised the meeting will start at 1:30 PM. Commission members will be attending the races that evening. The August meeting will be held on August 29th at Riverside Casino & Golf Resort. There is no meeting in September.

Ms. Eick also acknowledged Ms. Perino, and thanked her for her work on behalf of the Commission.

CAESARS ENTERTAINMENT, INC.: Doug Gross, Member, BrownWinick Law Firm, presented the shelf application for approval of debt financing for Caesars Entertainment, Inc. Mr. Gross said some years ago the Commission put together a rule that allows for publicly traded companies to ask for what is called the shelf approval of their debt. He said this allows them to approve debt to a certain amount and then once the debt is actually issued they have 10 days to provide the documentation to staff.

Mr. Gross presented the shelf application for Caesars Entertainment, Inc. He said it is a 3-year shelf application with one change since being submitted. He said the maximum percentage rate as submitted has been adjusted down and the new amount has been provided to Ms. Eick but he cannot publicly disclose the amount, however it is reflected in the documentation.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the application for shelf financing contingent on the adjustment as discussed. Commissioner Burkhardt seconded the motion, which carried unanimously.

PENN ENTERTAINMENT, INC.: Mr. Gross, presented the shelf application for approval of debt financing for Penn Entertainment, Inc. He said Penn Entertainment, Inc. is not anticipating any new debt and this shelf application is to cover existing debt.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the application for shelf financing as presented. Commissioner Ostergren seconded the motion, which carried unanimously.

CONTRACT APPROVALS (OSV = OUT OF STATE VENDOR; RP = RELATED PARTY):

IOC Black Hawk County, Inc.: Chad Moine, General Manager presented a contract with Nagle Signs Inc. for the purchase of new signs and installation for Commission approval.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contract as submitted by IOC Black Hawk County, Inc. Commissioner Burkhardt seconded the motion, which carried unanimously.

Catfish Bend Casinos II, LLC: Rob Higgins, General Manager, presented the following contracts for Commission approval:

- Brad Deery Honda – Purchase a 2024 Honda Accord Hybrid Sport Design for a Casino Promotion (RP)
- Full Service/Lee Enterprises – Marketing Agency Providing Advertising Buys and Website Creation
- Huckleberry Entertainment, LLC – Purchase of Complimentary Items at Restaurants, Arcades and Hotels (RP)
- Huckleberry Holdings, LLC – Fifth Amendment to the Second Amended and Substituted Commercial Lease Agreement to Change the Location of the Gift Shop when the New Location has been Completed and Open for Business (RP)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by Catfish Bend Casinos II, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Diamond Jo, LLC: Scott Smith, General Manager, Diamond Jo Worth, LLC presented a contract with Conference Technologies, Inc for an LED Light Upgrade in the Showroom for Commission approval. Request was made on behalf of Wendy Runde, General Manager and said she apologizes that she could not be there.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contract as submitted by Diamond Jo, LLC. Commissioner Burkhart seconded the motion, which carried unanimously.

Diamond Jo Worth, LLC: Mr. Smith presented the following contracts for Commission approval:

- Young Plumbing and Heating – Misc. Hardware, Maintenance, Parts, Tools, Supplies and Mechanical Upgrade
- NRT Technology – Check Cashing Services, Cash Advance, Kiosk Services (OSV)
- Sysco Iowa, Inc – Primary Food Vendor
- Mulgrew Oil Company – Dealership Agreement with BP to Supply Gas to Convenience Store
- Doctors Associates, LLC – Contract to Operate a Subway Restaurant (OSV)
- Agilysys – Lodging Management System (OSV)
- Associated Computer Systems – Main IT Switches

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as submitted by Diamond Jo Worth, LLC. Commissioner Andres seconded the motion, which carried unanimously.

SCE Partners, LLC: Doug Fisher, General Manager, presented the following contracts for Commission approval:

- Gitchi Gaming, Inc. – Purchase of New Gaming Chairs (OSV)
- Watchfire Enterprises, Inc. – 5-year Data Plan Renewal for Three Digital WatchFire Signs on Property

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by SCE Partners, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Dubuque Racing Association, Ltd.: Alex Dixon, President, presented the following contracts for Commission approval:

- Back 40 Touring Inc. – Entertainment – Artist (OSV)
- BC Tours Inc – Entertainment – Artist (OSV)
- Creative Artist Agency – Entertainment – Artist Booking Agency (OSV)
- Disturbed Touring Inc – Entertainment – Artist (OSV)
- Neal Agency LLC – Entertainment – Artist Booking Agency (OSV)
- Pinnacle Entertainment Inc – Entertainment – Artist Booking Agency (OSV)
- Skam Artist Inc – Entertainment Artist (OSV)
- Wired Production Group – Entertainment Production

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as submitted by Dubuque Racing Association, Ltd. Commissioner Andres seconded the motion, which carried unanimously.

Harveys Iowa Management Company LLC: Sally Rogers, Director of Finance, Isle of Capri Bettendorf, presented a contract with Genie Services, LLC for Pest Control Services for Commission approval.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contract as submitted by Harveys Iowa Management Company LLC. Commissioner Campbell seconded the motion, which carried unanimously.

Iowa West Racing Association d/b/a Horseshoe Casino Council Bluffs: Ms. Rogers presented the following contracts for Commission approval:

- CRH Properties LLC – Lessor for Offsite Warehouse Space for Horseshoe Casino
- Genie Services, LLC – Pest Control Services

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as submitted by Iowa West Racing Association d/b/a Horseshoe Casino Council Bluffs. Commissioner Burkhart seconded the motion, which carried unanimously.

Wild Rose Clinton, L.L.C.: Mr. Nauman, presented a contract with Sysco Iowa, Inc. for a Food Products Vendor for Commission approval.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as submitted by Wild Rose Clinton, L.L.C. Commissioner Andres seconded the motion, which carried unanimously.

Wild Rose Emmetsburg, L.L.C.: Mr. Nauman presented the following contracts for Commission approval:

- Martin Bros. Distributing Co Inc – Food Distributor
- US Postal Service – Postage for Mailers from The Printer, Inc

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as submitted by Wild Rose Emmetsburg, L.L.C. Commissioner Andres seconded the motion, which carried unanimously.

Grand Falls Casino Resort, LLC: Damon John, General Manager, Riverside Casino & Golf Resort, LLC, filling in for Sharon Haselhoff, General Manager, presented the following contracts for Commission approval:

- ASM Global – Denny Sanford Premier Center Private Suite Use Addendum (OSV)
- Copy Systems, Inc. – Postage Meter Lease
- G&R Controls – AAON Air Handling Unit Replacement (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as submitted by Grand Falls Casino Resort, LLC. Commissioner Burkhart seconded the motion, which carried unanimously.

Riverside Casino & Golf Resort, LLC: Mr. John presented the following contracts for Commission approval:

- Hawkeye Sports Properties, LLC – Marketing and Sponsorship Agreement
- Lange Sign Group – WatchFire Message Center

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the contracts as submitted by Riverside Casino & Golf Resort, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Rhythm City Casino, LLC: Mo Hyder, General Manager, presented the following contracts for Commission approval.

- Carrier Access IT, LLC – Technology Solutions: Hardware, Software & Support Services
- Copy Systems – Postage Meter Lease

- Elite Casino Resorts, LLC – Goods & Services Cost Allocations from Elite (RP)
- Fluffy Tour, Inc – Comedian (OSV)
- GroupGifting.com – Home Depot Gift Cards for Marketing Promotion
- Hy-Vee – Alcoholic Beverages & Gift Cards
- Lonny Benge – Production for Entertainment Acts

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as submitted by Rhythm City Casino, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

PUBLIC COMMENT: There were no public comments.

HEARINGS: Ms. Eick presented the Stipulated Agreement with IOC Black Hawk County, Inc. for a violation of Iowa Code § 99F.4(22) (Self-Exclusion). Pursuant to Iowa law a person wishing to be self-excluded from gambling is to be provided with information from the Department of Health and Human Services with gambling treatment options. On November 14, 2023 IOC Black Hawk County, Inc. self-reported that a self-excluded individual was not given the required gambling treatment materials by the security staff manager that processed the self-excluded individual. Previously on September 21, 2023 the Commission had also entered in to a stipulation with IOC Black Hawk County, Inc. for failing to provide the required gambling treatment material on at least four separate occasions. At the time commission staff were told facility staff had been retrained and the issue resolved.

Mr. Moine said in regards to the first incident the security guard was not aware that this was a requirement of the state and thought he only needed to give the brochure if it was requested. They retrained all staff that the brochure is to be given every time whether the individual wants it or not. This most recent incident the security guard just simply forgot to give the brochure out. He was reprimanded, received disciplinary action and is no longer with IOC Black Hawk County, Inc. for an unrelated issue.

Commissioner Burkhardt moved to approve the Stipulated Agreement with IOC Black Hawk County, Inc. in the amount of \$10,000.00. Commissioner Andres seconded the motion, which carried unanimously.

ADMINISTRATIVE BUSINESS:

Approval of Regulatory Fees for FY 2025: Ms. Eick advised the proposed regulatory fees for the Commission and the Division of Criminal Investigation (DCI) are included in the Administrative packets, and have been distributed to the industry. She stated the Legislature sets the appropriations for the Commission and DCI. The schedules before the Commission establish the allocation for each licensee. She said the staff has not received any questions or concerns from the industry. Ms. Eick requested approval of the regulatory fees as presented.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the regulatory fees for the Commission and DCI as presented. Commissioner Burkhardt seconded the motion, which carried unanimously.

Legislative Update: Ms. Eick gave a legislative update. She said no new legislation was passed with regard to Iowa Code 99D, 99E or 99F. There were some general changes to laws with regards to boards and Commissions including eliminating the requirement for specific meeting dates and times. Ms. Eick said however that change will not affect the way the Commission schedules meetings as we are already scheduling meetings based on business needs rather than a specific schedule mandated by the code.

Ms. Eick also noted that House File 2497 that was passed back in 2022 that established a moratorium on any new casino licensees through June 30, 2024 was not extended. As no new moratorium was passed in this past legislation session that moratorium will end at the end of this month.

Chair Olsen said that until June 30, 2024 the Commission is still operating under the moratorium and therefore no discussions or actions will be taken. At the July meeting the Commission will have a discussion on any potential timeline or plan post moratorium.

ADJOURN: Hearing no further business to come before the Commission, at 8:58 AM Chair Olsen requested a motion to adjourn the meeting. Commissioner Campbell moved to adjourn. Commissioner Ostergren seconded the motion, which carried unanimously.

MINUTES TAKEN BY:


CHANTELLE S. ARMINTROUT

IOWA RACING AND GAMING COMMISSION

MINUTES

JULY 8, 2024

The Iowa Racing and Gaming Commission (IRGC) met on Monday, July 8, 2024 at Prairie Meadows Racetrack & Casino in Altoona, Iowa. Commission members present were Chair; Daryl Olsen, Vice Chair; Mark Campbell, and members Amy Burkhart and Alan Ostergren. Commissioner Julie Andres attended the meeting virtually.

APPROVE AGENDA: Chair Olsen called the meeting to order at 1:30 PM and requested a motion to approve the agenda. Commissioner Campbell moved to approve the agenda as presented. Commissioner Burkhart seconded the motion, which carried unanimously.

APPROVE MINUTES: Chair Olsen requested a motion to approve the minutes from the June 13, 2024 Commission meeting. Commissioner Ostergren moved to approve the minutes as presented. Commissioner Burkhart seconded the motion, which carried unanimously.

WELCOME: Michele Wilkie, Executive Vice President, welcomed the Commission and staff on behalf of the over 1,000 employees at Prairie Meadows. She touched on the different things being remodeled and updated at the facility. She said the carpet project is 90% complete and should be wrapped up at the beginning of September. The deli was remodeled and now opens up to the East side of the club house allowing for more food options. The fountain at the main entrance was changed to a multi-tier planter to match the other one they currently have. Ms. Wilkie also discussed the various celebrations they have had recently. Their Independence Day celebration brought in over 15,000 guests and the Festival of Racing hosted over 19,000 guests. Ms. Wilkie then showed a one-minute highlight reel, using camera shots from their new drone, celebrating Prairie Meadow's 35th year. She said they are excited to host the Commission and the industry and invited everyone to stay for live racing.

ANNOUNCEMENTS: Tina Eick, Administrator of IRGC, stated the next Commission meeting would be held at Riverside Casio & Golf Resort on August 29, 2024. Submissions for that meeting are due in the Commission's Des Moines office by August 15th. There will be no September meeting. The Commission will then meet at the Isle of Capri Bettendorf in Bettendorf, IA on October 3, 2024.

CASINO QUEEN MARQUETTE, INC.:

Remodel Update: Bill Vandersand, General Counsel, along with Robin Corbeil, General Manager, gave an update on the remodel project of the casino. Mr. Vandersand said since he was here last in April of 2023 they have increased the footprint of the casino. They have eliminated the drive-in structure that was presented last time he was there. He commented on the developments since he was there last which include a budget increase from \$12 million to \$17 million. They have not started the project yet as they had previously expected to start in January of 2024. The City of Marquette issued a building permit in April 2024. They hit a snag with the flood plain review from the Department of Natural Resources (DNR). Originally the message Casino Queen received

was that DNR doesn't regulate 500-year flood plains. However, when Casino Queen received the city building permit they were asked to reach back out to DNR and were told that part of where they want to build is in the 100-year flood plain which DNR regulates. Mr. Vandersand said this has slowed things down and they have asked for it to be expedited. As of now their projection is that DNR will finish its review in August. Casino Queen believes that the design development should pass and plan to move very quickly after the flood plain review is completed. So far, Casino Queen has spent \$800,000 on design architects in preparation of the project. They have also made a deposit on the steel and anticipate 8-9 months once started.

Commissioner Campbell commented that the project has drastically changed and asked if they could get full renderings prior to the August start date. Mr. Vandersand said they will do their best to get that done and make sure to send it over to the Administrator. Commissioner Campbell said he would definitely appreciate that and he would like to set aside some time for them to meet with himself and Chair Olsen after the meeting to discuss further as the project they started with and where they are today are two different projects.

Commissioner Burkhart asked Ms. Eick if we have received any contracts for general contractors for this project. Ms. Eick confirmed that staff have not. Commissioner Burkhart asked if those would be forthcoming as well. Mr. Vandersand said he provided a draft for the proposal of a general contractor agreement to the Administrator about a week ago and there was discussion if that needed to go through the RTA process. Commissioner Ostergren said this is definitely something that needs to be approved before they can move forward. Mr. Vandersand said he understood and would be back in August. Chair Olsen asked if we have always approved contractors for major construction. Ms. Eick said to the best of her knowledge that is accurate.

Commissioner Ostergren said the flood plain issue is something they need to get worked out. He said that he can sympathize with their work with the DNR but the Commission and staff are not in a position to ask the DNR to expedite anything. He said some requests have been made to staff but they will not ask the DNR to expedite their process. Mr. Vandersand said he understood.

CASINO QUEEN MARQUETTE, INC:

Request for Approval of the First Amendment to Third Amended and Restated Master Lease with GLP Capital, L.P.: Ms. Eick said that part of the terms of the restated lease require a general contractor on-site and work starting as of August 1st. She said due to what they are hearing today there is maybe some concern that those terms can be met at this point in time. Mr. Vandersand said in the existing lease there is an August 1st outside date for starting the project and with the issue with DNR that will not be met unless DNR is faster than what they are estimating. Mr. Vandersand said he has had discussions with the landlord about moving that date and he has been very amicable about moving dates as the August 1st date was set before the issue with DNR came up.

Ms. Eick said that what is before the Commission is a term sheet of proposed terms it's not a signed deal. Mr. Vandersand said that is correct. Ms. Eick said so then the question is if the Commission is comfortable in approving something with those terms not nailed down.

Commissioner Ostergren said it is approving something that they know can't be fulfilled because it calls for commencement of the project starting by August 1st and they aren't going to have the permits to do that. His perspective is a no vote or this can be tabled. Commissioner Burkhardt agreed and said it specifically names a general contractor and they would be approving a lease before they approve the contractor. Commissioner Campbell also stated he would like to table this.

Chair Olsen requested a motion to table this for now. Commissioner Ostergren so moved. Commissioner Campbell seconded the motion, which carried unanimously.

CONTRACT APPROVALS (OSV – OUT OF STATE VENDOR; RP – RELATED PARTY):

Riverside Casino & Golf Resort, LLC: Damon John, General Manager, presented a contract with Kluesner Construction, Inc. for asphalt paving of parking and roadway areas.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contract as submitted by Riverside Casino & Golf Resort, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

Dubuque Racing Association, Ltd.: Alex Dixon, President, presented a request for approval of a facilitation agreement with Dubuque Initiatives.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the facilitation agreement as submitted by Dubuque Racing Association, Ltd. Commissioner Burkhardt seconded the motion, which carried unanimously.

Mr. Dixon also presented the following contracts for Commission approval:

- Conlon Construction Co. – Contractor for MasterPlan Dev.
- Honkamp, PC – External Independent Auditing Firm and Provider for Fixed Asset Management
- RDG Planning & Design – Schmitt Island Planning & Design
- Sound Talent Group LLC – Entertainment – Artist Booking Agency (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the contracts as submitted by Dubuque Racing Association, Ltd. Commissioner Campbell seconded the motion, which carried unanimously.

Catfish Bend Casinos II, LLC: Rob Higgins, General Manager, presented a request for approval of a loan modification to their existing credit facility and related documents with First Interstate Bank. He also presented a contract with Pavillion Payments as a vendor who provides credit card cash advances, E-check authorization services and kiosk services (OSV).

Hearing no comments or questions Chair Olsen requested a motion. Commissioner Campbell moved to approve the loan modification and contract as submitted by Catfish Bend Casinos II, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

Prairie Meadows Racetrack and Casino, Inc.: Ms. Wilkie presented the following contracts for Commission approval:

- Architectural Arts – General Contractor for Interior Remodels
- Canteen (Compass Group USA) – Unattended Vending Services (Revenue Sharing)
- Churchill Downs (United Tote) – Pari-Mutual Totalizator Services and Clearinghouse Bets (OSV)
- Ecolab – Pest Control Services and Dishwasher Rental
- Midwest Ambulance – Ambulance and Emergency Medical Services
- Storey Kenworthy (Workspace) – Office Furniture
- Sysco of Iowa – Food Products
- True North Companies – Insurance Brokerage Services

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contracts as submitted by Prairie Meadows Racetrack and Casino, Inc. Commissioner Ostergren seconded the motion, which carried unanimously.

REVIEW OF HORSEMENS ORGANIZATION'S FINANCIAL AUDITS:

The Iowa HBPA, Inc. and The Iowa HBPA Benevolent Trust: Jon Moss, Executive Director, along with Joe Kelly, 2nd Vice President presented the organization's financial audit. Mr. Moss said he is proud to present a clean audit and has enjoyed working with Prairie Meadows for 35 years. He said this is a big year for them and he is happy to be a part of it and looking forward to celebrating later this year.

Mr. Moss said they really try to emphasize the benevolence. He said they have a mobile dental clinic that has come to offer services to the trainers. They are also adding a mobile vision clinic this year as well as adding some mobile health clinics. He said the Horsemen can utilize the Unity Point across the street, but bringing a clinic to the backside would be more accommodating. They are also starting a food pantry this year and working with Caring Hands to bring food and clothing in for the backside workers. He said he is very happy with the results of how this is playing out.

Mr. Moss also touched on a dispute they have had with a neighboring business. Adventureland is wanting to shoot off fireworks 5 weekends in a row and fireworks and horses don't typically go well together. They are working with the city to come up with a solution to this dispute.

Iowa Quarter Horse Racing Enterprises, Inc. d/b/a Iowa Quarter Horse Racing Association; Tom Lepic, President and Troi Mulford, Treasurer, were present to address the financial audit. Mr. Lepic stated he takes a lot of pride in trying to grow quarter horse racing. He said this has been a record-breaking year as they had 65 horses entered from all over the country and was the first time their purse exceeded \$200,000. He said they have 73 horses that are continuing to make payments

and if they continue to do so this year they could be over \$300,000 for charity for the first time ever.

Mr. Lepic said they have shown about a 20% increase in horses that come run here from all across the country. Right now, they are averaging about 7.67 horses per race and they are continually trying to increase this. He said they have also seen a 12% increase in Iowa foals. He said a rule was recently changed that will allow mares until the end of January to get here, get registered and get inspected, which is a great way to grow Iowa breeding.

Mr. Lepic said that last year they were just shy of spending \$12,000 of their money for the year. With that additional money they hired their own independent marketing company to help increase attendance and their handle. He said in 2022 their handle was just under \$5 million. Between 2022 and 2023 they were able to increase that to just under \$7 million, which is a 44% increase.

Iowa Harness Racing Association: Jeff Carey, President, introduced some members of the Iowa Harness Racing Association, Cory Larson, Jim Reese, and Duane Roland. Mr. Carey gave us an overview of their season so far. He advised they are racing at 8 different fair-grounds across the state with 37 races dates. He said they had 259 horses paid in and 240 foals inspected this year. He said they have 230 members in their association. Mr. Carey stated the organization started a YouTube channel two years ago and it has continued to be a success as they had over 1200 hits last year.

HEARINGS:

Prairie Meadows Racetrack and Casino, Inc.: Ms. Eick presented the Stipulated Agreement with Prairie Meadows Racetrack and Casino, Inc for three counts. Count 1 was a violation of Iowa Code § 99F.4(22) (Self-Exclusion) and Counts 2 and 3 were violations of Iowa Code § 99F.9(5) (Minor).

For Count 1, licensees are required to upload and download information to and from the Iowa Racing and Gaming Commission's self-exclusion system at least once every seven calendar days. On March 1, 2023 Prairie Meadows downloaded the updated information as required from the self-exclusion database. The next download should have been on or before March 8, 2023, however it was not completed until March 9, 2023.

For Count 2, on March 4, 2023 a minor was denied entry to the casino floor, exited the facility, returned to a vehicle with two adult companions and changed clothing. The minor then returned to the facility and was again denied entry. The minor once again returned to the vehicle where he waited for his adult companions and once they returned the vehicle left the property. On March 5, 2023 Prairie Meadows conducted a review of their license plate verification system and determined the minor was allowed entrance to the gaming floor unchallenged earlier in the evening on March 4th. The minor was on the gaming floor for approximately 50 minutes, was unchallenged at the turnstile and gambled at three slot machines.

For Count 3, on April 15, 2023 a minor gained access to the gaming floor unchallenged. After 33 minutes of being on the gaming floor the minor was approached and asked for identification. The minor and her mother were interviewed and asked to leave the property. The minor was on the gaming floor for 33 minutes, was unchallenged three times at turnstiles and gambled at a slot machine.

Jake Hedgecock, Security Director for Prairie Meadows Racetrack and Casino, Inc said that in regards to Count 1, they have provided more training for the people that have access to the database and they have also put this on a shared calendar so that more people get notifications in case someone is gone.

Mr. Hedgecock stated that in regards to Count 2 and Count 3, the security officers that failed to request identification were counseled on the incidents and received disciplinary action. He said that since the two incidents they have provided over 300 hours of additional training.

Commissioner Campbell asked if they have looked into doing an automatic download in regards to Count 1, as that is what some properties have done. Mr. Hedgecock said that they have discussed it with IT but that their system is not able to do the automatic downloads.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the Stipulated Agreement with Prairie Meadows Racetrack and Casino, Inc. for Count 1 with an administrative penalty of \$5,000.00, for Count 2 with an administrative penalty of \$20,000 and for Count 3 with an administrative penalty of \$20,000. Commissioner Burkhart seconded the motion, which carried unanimously.

Tipico Iowa, LLC: Ms. Eick presented the Stipulated Agreement with Tipico Iowa, LLC for two counts on violations including Iowa Code § 99F.3 and Iowa Code § 99F.1 (29) (Impermissible Wagers).

For Count 1, on February 14, 2023, Tipico Sportsbook reported to Commission staff that they accepted five wagers on markets involving interceptions by the starting quarterbacks in the Super Bowl LVII football game played on February 12, 2023. This wager was not listed as an approved wager and therefore was not authorized by the Commission. The five wagers totaled \$285 in handle and were all losing bets. After the event, Tipico Sportsbook voided the wagers and returned the money back to the customers.

For Count 2, on March 25, 2024, Tipico Sportsbook offered four individual markets on wagers that involved totals for points, rebounds and 3-point baskets for Iowa woman's basketball player, Caitlin Clark in the Iowa Hawkeyes NCAA tournament game. A total of 6 wagers were placed by four patrons totaling \$375 in handle. Successful wagers were retained by the patron and money was returned to patrons with losing wagers. Tipico Sportsbook reported this to commission staff once it was discovered.

Bryan Schroeder, Senior Vice President, and Sean McGuinness, Outside Counsel, were present to discuss the Stipulated Agreement. Mr. Schroeder stated that after the first incident three remedial

measures were put in place. Access to the back office for sports trading was modified for traders and E-traders. A pop up was created and an alert sent out when a new market was approved. A person making a change would have to acknowledge and check that they saw the pop up. For the second incident, the trader disregarded the pop up so the lead did not see the alert.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the Stipulated Agreement with Tipico Iowa, LLC for Count 1 with an administrative penalty of \$5,000 and for Count 2 with an administrative penalty of \$15,000. Commissioner Ostergren seconded the motion, which carried unanimously.

PUBLIC COMMENT:

Doug Gross, Member, Brown-Winick Law, spoke on behalf of the Cedar Rapids Development Group and Linn County Gaming Association to formally announce their intention on filing an application yet this month for a new gaming license in Cedar Rapids/Linn County.

Gary Thelen spoke on some of the history of the referendums in Linn County. He mentioned the voters had first rejected a casino in 2003. He stated that the voters missed their chance at a casino by initially voting no, and felt that granting a new casino license in Linn County at this time would be unfair to those casinos that were granted licenses in nearby counties.

ADMINISTRATIVE BUSINESS:

Approval of Amended DCI Fees for FY 2025: Ms. Eick presented the amended DCI fees for the fiscal year 2025. It was discovered that there was an error in the timing with the previously presented DCI reg fees, specifically the first payment did not coincide with the current fiscal year. The schedule was revised to fix this issue. The over all amount remains the same.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the amended DCI fees for fiscal year 2025. Commissioner Andres seconded the motion, which carried unanimously.

Discussion on Expiration of Moratorium on New Gaming Licenses: Chair Olsen said that it is important to understand, now that the moratorium is expired and they have been notified that there is an application that is going to be submitted, what the responsibility of the Commission is and how they are going to move forward.

Ms. Eick said that as a prerequisite for starting the license process the voters of a county must indicate that they want a casino. Iowa law requires that prior to the Commission issuing a license in any county in Iowa for a casino, the voters of that county must approve a referendum to allow gambling games in that county. Ms. Eick said if a majority of the county voters do not favor a casino then the Commission shall not issue a license. If a majority of the county voters approve a referendum then the Commission may issue a license but it is not required to do so. Further under Iowa law a referendum vote is required every eight years to continue gambling operations unless a county has successfully passed two consecutive referendum votes no less than eight years apart.

She said beyond that the Commission is tasked with deciding the number, location and type of casino. Iowa law does not specifically spell out when and how the Commission is to accept any new applications. However, if an application is received then the Commission would be obligated to act in some way, shape or form on that application.

Chair Olsen said this gives them a better idea of how to move forward.

Commissioner Burkhardt said that they have talked about these in the past when it was brought before them prior to the moratorium, but she is curious as to how many referendums there have been in Linn County and of those how many passed or failed. Ms. Eick stated she is going off of memory, but believes the original one was in 2003 and it failed. Subsequent to that there were two more, one in 2013 and one in 2021, and those both passed.

Commissioner Burkhardt then asked in the past when additional licenses have been considered by the Commission, what was the approximate timeline of when an application is received to when a decision is made. Ms. Eick responded that that process is typically a 6-9 month range.

Commissioner Ostergren said that the licensing process is not a scoring rubric in the administrative code. They are not going to assign points to different categories or anything like that. He said it's a very holistic review. Commissioner Ostergren said they will gather as much information as they can from the applicant and community. They will listen to the stakeholders and look at the application overall for what is in the best interest of the gaming industry, the community, and the state.

Chair Olsen agreed with Commissioner Ostergren. He said they need to stay focused and deliberate and keep everything on a timeline. They do not want to rush things but they also do not want to drag things out.

Chair Olsen said that understanding that under the agenda item we have discussion of the expiration of the moratorium, it really didn't state their plans to develop a timeline. Due to this he feels it would be unfair to set a timeline without directing staff to look at what would be an appropriate timeline. Chair Olsen said he does think it is appropriate to direct staff to prepare an RFP for a market study because that is something that they will have to do. He said they will look specifically at Linn County and state-wide effects because as of today that is the only location where an application will be forthcoming the Commission is aware of.

Hearing no further comments or questions, Chair Olsen requested a motion to direct staff to prepare an RFP on market share and finalize a timeline on the process for a Linn County application and decision. He also proposed that the Commission schedule a virtual meeting later this week, Friday, July 12, 2024 at 8:30 AM to look at and approve the timeline so the industry understands what that timeline is. Commissioner Ostergren so moved. Commissioner Burkhardt seconded the motion, which carried unanimously.

ELECTION OF CHAIR AND VICE CHAIR: Commissioner Campbell nominated Daryl Olsen to serve as Chair for the upcoming year. Commissioner Burkhart seconded the motion, which carried unanimously.

Commissioner Ostergren nominated Mark Campbell to serve as Vice Chair for the upcoming year. Commissioner Burkhart seconded the motion, which carried unanimously.

ADJOURN: Hearing no further business to come before the Commission, Chair Olsen adjourned the meeting at 2:31 PM.

MINUTES TAKEN BY:


CHANTELLE ARMINTROUT

IOWA RACING AND GAMING COMMISSION

MINUTES

JULY 12, 2024

The Iowa Racing and Gaming Commission (IRGC) met virtually/telephonically on Friday, July 12, 2024. Commission members present virtually were Daryl Olsen, Chair; Mark Campbell, Vice Chair; and members Julie Andres, Amy Burkhart and Alan Ostergren.

APPROVE AGENDA: Chair Olsen called the meeting to order at 8:30 AM, welcomed everyone and requested a motion to approve the agenda. Commissioner Campbell so moved. Commissioner Andres seconded the motion, which carried unanimously.

REVIEW, DISCUSSION AND CONSIDERATION OF PROPOSED TIMELINE FOR LINN COUNTY APPLICATIONS: Chair Olsen announced that at the meeting on Monday, July 8th, we were told to expect an application from Linn County for a gaming license shortly. Knowing that an application is pending the Commission has certain responsibilities including developing a timeline for the process. The Commission instructed staff to prepare an RFP for a market study concentrating on Linn County and to prepare a timeline for the process. He clarified that they are looking to prepare a timeline specific for Linn County applications.

Chair Olsen stated he has been working with staff to establish a timeline that allows adequate time to gather the information, completely review this information and then make a decision. Based on that he outlined the following timeline:

- | | |
|------------|---|
| 08/15/2024 | Due Date for RFP Market Study Proposals |
| 08/29/2024 | Commission Meeting – Riverside <ul style="list-style-type: none">• RFP presentations by potential Market Study vendors and vendor selection |
| 09/16/2024 | Due Date for New Casino Applications |
| 10/03/2024 | Commission Meeting – Bettendorf <ul style="list-style-type: none">• New casino applicant presentations |
| 11/20/2024 | Site Visits with Q&A for Commissioners; Public Comment Meeting (locations TBD) |
| 11/21/2024 | Commission Meeting – Burlington <ul style="list-style-type: none">• DCI background reports (Executive Session) |
| 12/30/2024 | Market Study Due in Commission Office |
| 01/23/2025 | Commission Meeting – Jefferson <ul style="list-style-type: none">• DCI background report representation (Executive Session)• Public presentation of market study |
| 02/06/2025 | Special Commission Meeting (location TBD) <ul style="list-style-type: none">• Commission vote re casino application(s) |

Regarding the market studies, Chair Olsen noted that some vendors have implied it will take 90-120 days to complete the study. The timeline presented would give them the 120 days, which is the most any of them have requested.

Commissioner Burkhardt asked Tina Eick, Administrator of IRGC, if the timeline for the application process has typically been 6-9 months. Ms. Eick said that is correct and this process would fall within those parameters.

Commissioner Ostergren stated that prior to the February meeting the Commission will have the public comment meeting but will also have a process where people can make public comments, particularly in written form. He said people will be free to tell the Commission what they think about this between November 20th and February 6th. He said the November date is not the last chance to give input to the Commission, the Commission will listen to Iowans up until they make the licensing decision.

Ms. Eick stated that is correct, and commission staff have already been receiving comments and are compiling them and those will be available in written and/or electronic form for all the Commissioners through February of 2025. Chair Olsen stated that is the advantage of setting a timeline so everyone understands the timeframe they are working under, there are no surprises and it gives everyone the opportunity to get the Commission information or contact them if they would like to.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the timeline for Linn County applications as presented. Commissioner Campbell seconded the motion, which carried unanimously.

ADJOURN: Chair Olsen requested a motion to adjourn. Commissioner Ostergren so moved. Commissioner Andres seconded the motion, which carried unanimously.

MINUTES TAKEN BY:


CHANTELLE ARMINTROUT

IOWA RACING AND GAMING COMMISSION

MINUTES

AUGUST 29, 2024

The Iowa Racing and Gaming Commission (IRGC) met on Thursday, August 29, 2024 at Riverside Casino and Golf Resort in Riverside, Iowa. Commission members present were Daryl Olsen, Chair; and members Julie Andres, Mark Campbell and Amy Burkhart. Commissioner Alan Ostergren participated telephonically.

APPROVE AGENDA: Chair Olsen called the meeting to order at 8:30 AM, and requested a motion to approve the agenda. Commissioner Campbell moved to approve the agenda as submitted. Commissioner Andres seconded the motion, which carried unanimously.

APPROVE MINUTES: Chair Olsen requested a motion to approve the minutes from the July 8, 2024 Commission meeting. Commissioner Burkhart moved to approve the minutes as printed. Commissioner Campbell seconded the motion, which carried unanimously.

Chair Olsen requested a motion to approve the minutes from the July 12, 2024 Commission meeting. Commissioner Andres moved to approve the minutes as printed. Commissioner Burkhart seconded the motion, which carried unanimously.

WELCOME: Damon John, General Manager, welcomed everyone back to Riverside, Iowa. He said the 750 employees are very proud of the work they do at Riverside Casino to make a memorable experience for each and every one of their guests. They consider it a privilege to operate in the state of Iowa and they strive to set the bar high and define what the gaming experience should be like here in the state. He said details matter and quality matters. They keep their property clean and well maintained, provide great customer service, make sure each food item that leaves the kitchen is worthy of a 5 star Google review, and book the very best entertainment they can. He said they do all of this because of their employees which are their greatest asset. He said they are not only a great asset to them but also to the state of Iowa and the region. He then presented a video that was produced as part of Drake University's Character Counts awards. They recently accepted the coveted partner of the year award at a ceremony in Des Moines. They were given this award to celebrate their commitment to fostering ethical leadership, integrity and community involvement.

After the presentation video, Mr. John discussed a few other awards that Riverside has been awarded this year. One of those awards was the Give Back Iowa Challenge, which is an event that lasts eight weeks in April and May where employers go against each other and are challenged to volunteer in their community. The award goes to the employer that has the most volunteer hours by employee. This is the 7th straight year they have won that award. He then recognized some of the committee members that help put together the events for this challenge and thanked them for all they do. He then said Iowa is a great place to live, not just to grow up, but to stay and raise a family. Mr. John then introduced Stephanie Sexton, President of the Washington County Riverboat Foundation (WCRF).

Ms. Sexton welcomed everyone on behalf of WCRF and Riverside Casino. She congratulated Mr. John and his staff for being recipients of the Character Counts award. She announced that the foundation has been blessed to be able to gift nearly \$65 million. With the completed 2024 grants in the spring cycle, that total is over 3.6 million for that cycle alone, bringing the 2024 total to \$70 million since the start of the foundation. She said they are excited to see what the current fall grant applications will inspire. Ms. Sexton said they are looking to further their partnership with Riverside Casino, to grow, uplift and transform Eastern Iowa and specifically rural Iowa. She said the growth of tourism has been extremely impactful to their region and has been a driving factor in growing their region and helping their rural communities over the past 18 years. Since 2004 they have been awarding grants to the communities in the area. She said their communities have grown because of their ability to provide to the nonprofits and their foundations. She said they are fortunate to have a community focused partner and leader such as Riverside Casino and Golf Resort and again she congratulated them on their awards. She ended by inviting everyone to a ribbon cutting for the Eastern Iowa Red Cross Emergency Response Vehicle.

ANNOUNCEMENTS: Tina Eick, Administrator of IRGC, recognized Commission Gaming Representatives, Scott Ditch and Tori Aplara for their hard work on behalf of the Commission.

Ms. Eick then advised there is no Commission meeting in September. She stated that new facility applications for Linn County are due September 16, 2024. The Commission will next meet on October 3, 2024 at Isle of Capri Bettendorf in Bettendorf, IA; all submissions are due ten days prior to the meeting on September 19, 2024. On November 20, 2024 the Commission will conduct site visits in Linn County and hold a public comment meeting at The Hotel at Kirkwood in Cedar Rapids, IA. The next day, November 21, 2024 there will be a regularly scheduled Commission meeting at Catfish Bend Casino in Burlington.

PRESENTATION OF HORSERACING STUDY COMPLETED BY RG&E LLC: Doug Reed, Principal of Racing, Gaming and Entertainment LLC (RG&E) presented the Horseracing study that their company completed. He said there is a lot of opportunity in Iowa. The benchmarks are below par, but there is room for significant improvement. He listed three words that he believes are key to making improvements: Cooperation, Change and Flexibility. He said things are constantly changing and the industry needs to be flexible. He mentioned the environment is one of the things that does and will change.

Mr. Reed said that for the past three decades the gaming industry has changed dramatically. He said that focusing on the pari-mutuel side of supply and demand, there are four big entities that hold almost 70% of the market share when it comes to the handle for pari-mutuel. He said that leaves only about 100 tracks competing for that 20-30% left over. He said that account wagering has grown tremendously, particularly due to Covid. He said that most tracks today, 70-80% of the handle is through an app. He also mentioned that on the supply side, there has been a significant decline in the number of races.

Mr. Reed then went on to the analysis. He said they looked at Iowa alone and compared to other states. He said two of the most important benchmarks they look at are handle and field size and

in Iowa they are underperforming for thoroughbreds and quarter horses. Despite this, the earnings for the horsemen look good. They used the earnings for the past three years and thoroughbreds are meeting or even exceeding most other tracks, and the quarter horses are meeting or just below. However, overall, the Iowa thoroughbred industry has not kept up with the national trend, and said they have decreased at a higher rate than the national rate. He then showed multiple slides depicting how Iowa is doing compared to the benchmarks, and he said Iowa is not benchmarking well. He said in every study he has seen there is a huge correlation between field size and handle. He mentioned that Iowa is the only state in the nation where stakeholders are not held accountable. He quoted his study which found a large and steady stream of purse money that assures revenues for the industry and comes with no requirements or expectations is an ideal situation for average and below average producers in the industry and overall industry will likely resist any change to the situation. He said this is a huge area that could be improved and feels that all stakeholders should have a stake in the profit. Mr. Reed said to make an analogy if you had a salary, a really good salary and you weren't required to do anything for it, that's a bad situation. It creates mediocre performance and you don't want to change.

Mr. Reed then touched on the Iowa-breds and said they are competitive. During the study process they spoke to many different horsemen and asked them how Iowa-breds are competing in other states and the universal answer was they are very competitive. They also looked at migration maps. It shows where horses migrate before and after Prairie Meadows and this helped them determine which states to use in their comparisons to Iowa. He said Indiana was mentioned to them as a great model. Mr. Reed agrees, but says there are two things that separate Iowa from Indiana, resources and location.

Mr. Reed said there are a number of uncertainties in the market. He said they had to look at the whole system when making recommendations. He said they were given 19 questions from the IRGC, and it was very helpful in making recommendations. Mr. Reed touched on a few of the recommendations from their study. One is to race on Tuesday versus Sunday if they race the same time of year. He also said that post time management is really important. He said they should tie the handle to the purses and separate meets will enhance the potential for greater field size and opportunity. He said the focus should be on field size first and then from a breeding point of view if opportunities increase, value will increase. If both of those are done, there will be more revenue from pari-mutuel and more opportunities which will lead to more value. Mr. Reed showed a slide of their main recommendations: content management, changing the racing revenue model, repositioning the daily live on-track racing product, continuing and enhancing the live racing signature days, marketing important handle will also be an important source of revenue for racing. If the new revenue model is adopted and stakeholders agree on other key strategies/recommendations, there will need to be law/rule changes. In summary, other ideas were, creating a circuit of race meets with other jurisdictions, changing aspects of the Iowa Breeders Programs. Agreed upon transparent metrics will need to be monitored and used moving forward to measure success, allocate resources and modify racing parameters.

Mr. Reed summarized their main recommendations as follows: content management for exporting the live racing product; changing the racing revenue model to tie all pari-mutuel wager to purses; repositioning the daily live on-track racing product; continuing and enhancing the live racing

signature days; marketing import handle; creating a circuit for a race meet with other jurisdictions; and changing aspects of the Iowa Breeders' Program to add opportunities and value. Implementing the recommendations would require getting stakeholders to agree to key strategies/recommendations. Some of the recommendations, such as new revenue/purse structure would also require rule or law changes. Finally, he noted that the stakeholders needed agreed upon transparent metrics that could be monitored and used moving forward to measure success, allocate resources and modify racing parameters.

Mr. Reed ended by saying he believes there is a big opportunity in Iowa. He said the state of the industry requires change. He said the environment is going to continue to change, requiring constant monitoring and measuring to continue to adapt, changed and allocate resources. He provided the following closing statement, "Iowa was a leader in innovation in 1995 when they re-opened as one of the first racinos. Iowa has an opportunity to again be a leader, creating cooperative racing and breeding programs with one or more jurisdictions similarly situated".

Commissioner Burkhart asked if there were any states in particular that he feels are right to creating the circuit. Mr. Reed said they did look at some states in their study. He mentioned Oklahoma and Arizona as being potential starting points, but said they would definitely need to sit down with them and discuss it.

Chair Olsen mentioned the barn space and said the study shows Prairie Meadows has good barn space. Mr. Reed said they do, but if they make some of these changes they might need to review that again. Chair Olsen then said he appreciated them looking at turf and the cost associated with that. Mr. Reed said he would love to recommend turf, but there is not enough handle and not enough races. He said there didn't seem to be a payback, but that field size was critical.

Commissioner Andres said she had a question about foot traffic. She said the study didn't really talk about more amenities, making it more fun, and that was really shocking to her. She also said moving the race day can't be the easy answer. Mr. Reed said that they need to make the overall experience better. He said if the product matters, people will care more about the product. He went back to the small field size and said if they don't change that and the revenue model they should market the casino because that would drive the purse amounts.

Commissioner Campbell said that they want to stay on top of this. He suggested getting the horsemen and casino together in the next month or so to work together. He said it won't be overnight but they need to get this moving.

Chair Olsen wrapped things up by saying he appreciated the study very much and all the work their team did. He let everyone know this was a study that IRGC had asked for because they were concerned with what was happening with horse racing. He said 30 years ago horse racing was all there was when it came to gambling, but today there are infinite ways to spend your gambling money. He then read a quote directly from the study. "We do not see the market changing soon. As discussed elsewhere, other sports have had to make changes and racing must do likewise. The most important opportunity is to seek change as the status quo is not a good option given the market described. To continue this path, we cannot foresee a dramatic change for the breeding or

racing in Iowa. The current product at Prairie Meadows is clearly demonstrated in this report as not competitive and not of high interest to the public.” He ended by saying now it is up to the stakeholders. He said they can give them the study and say there is concern but that is all they can do. He requested that they listen to what Mr. Reed said. Cooperate, change and be flexible. He said they have the information and if they do nothing with it, it would make him very sad. He said take the report, start talking and see what they can do with it.

CATFISH BEND CASINOS II, LLC: Gary Hoyer, CEO, presented the initial phase of a remodel project for the casino including a high limit slot room and various improvements to the casino floor and entrance area. He said they are still working on a final design that they will seek approval of at a future meeting. They are wanting to get some of the longer term items that have been selected ordered so they are asking permission to get that started.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the remodeling request as presented by Catfish Bend Casinos II, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

CASINO QUEEN MARQUETTE, INC.:

Remodel Discussion: Robin Cobeil, General Manager, presented an update on their remodel. She said that they have received their DNR permit and they are ready to go. She said they did incorporate an entrance so minors can go to the food venues, and they are ready to get started as soon as approved.

Commissioner Campbell thanked them for taking the time to meet to discuss the concerns that they had. He acknowledged that it wasn't simple to add the entrance, but they are greatly appreciative of that.

Commissioner Burkhart asked what the difference was in square footage from the existing facility to the new facility. Ms. Corbeil said she believes it is about 1,000 sq ft.

Contract Approval: Hearing no other questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contract as presented by Casino Queen Marquette, Inc. Commissioner Andres seconded the motion, which carried unanimously.

Request for approval of the First Amendment to Third Amendment and Restated

Master Lease with GLP Capital, L.P.: Bill Vandersand, General Counsel, presented a request seeking approval of the First Amendment to Third Amendment and Restated Master Lease. He said this provides for terms and conditions to make draws to finance the construction project. Additionally, it adds the property to the master lease. He stated it addresses an issue that was at the last meeting which extends the expected start date to October 1st. Commissioner Burkhart asked if the expected completion date was still August and he confirmed that yes, it is.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the First Amendment to Third Amendment and Restated Master Lease

as presented by Casino Queen Marquette, Inc. Commissioner Campbell seconded the motion, which carried unanimously.

PRAIRIE MEADOWS RACETRACK AND CASINO, INC.:

Request for approval of Second Amendment to Operating Lease Agreement with American Wagering, Inc. d/b/a William Hill Sportsbook (Caesars Sportsbook): Derron Heldt, Vice President of Racing, presented a request for Commission approval to enter into an extension agreement with American Wagering. He stated this would be a 3-year extension to 2027 and the terms would remain the same.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the Second Amendment to Operating Lease Agreement as presented by Prairie Meadows Racetrack and Casino, Inc. Commissioner Burkhardt seconded the motion, which carried unanimously.

Request for approval of Amended and Restated Service Agreement with ODS Technologies, L.P. d/b/a TVG and FanDuel Racing: Mr. Heldt presented a request to enter into a service agreement with their advanced deposit wagering operator, TVG. He stated this is a 4-year extension that runs through December 31, 2028.

Hearing no comments or questions, Commissioner Andres moved to approve the Amended and Restated Service Agreement as presented by Prairie Meadows Racetrack and Casino, Inc. Commissioner Burkhardt seconded the motion.

Commissioner Campbell then stated he did have one question. He asked if this agreement ties our hands in regards to any changes or recommendations as discussed in the horseracing study. Mr. Heldt said this broadens their appeal on some sports betting apps.

Hearing no further comments or questions, the motion carried unanimously.

CONTRACT APPROVALS (OSV – OUT OF STATE VENDOR; RP – RELATED PARTY):

Prairie Meadows Racetrack and Casino, Inc.: Mr. Heldt presented the following contracts for Commission approval:

- Bailey Roofing – Roofing Contractor
- Electronic Engineering – Electronic Hotel Room Door Locks
- Plumb Supply – Plumbing Supplies
- RJ Kool Company – Ironer/Folder/Stacker System for Hotel Laundry (OSV)
- Sys-Kool LLC – Water Cooling Tower Services (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by Prairie Meadows Racetrack and Casino, Inc. Commissioner Burkhardt seconded the motion, which carried unanimously.

Catfish Bend Casinos II, LLC: Rob Higgins, presented the following contracts for Commission approval:

- Core Mark, d/b/a Farner-Bocken Company – Purchase of Cigarettes
- Dave Bessine Electric – Electrical Work for Casino Remodel
- Gasser Chair Company – Gaming Chairs (OSV)
- Keokuk Wine & Spirits – Purchase of Alcohol
- Within by Conceptual Designs – Carpet Tiles, Fixtures, and Murals for Casino Remodel

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by Catfish Bend Casinos II, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Harveys Iowa Management Company, LLC: Thomas Roberts, General Manager, presented the following contracts for Commission approval:

- In-Law Fencing – Vinyl and Wood Fencing Vendor
- Nebraska Furniture Mart – Furniture and Carpet Vendor

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as submitted by Harvey's Iowa Management Co., Inc. Commissioner Burkhardt seconded the motion, which carried unanimously.

Iowa West Racing Association d/b/a Horseshoe Casino Council Bluffs: Mr. Roberts presented the following contracts for Commission approval:

- Alpha Video and Audio, Inc. – Provider for LUCI, a Video Distribution System (OSV)
- In-Law Fencing – Wood and Vinyl Fencing Vendor

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contracts as submitted by Iowa West Racing Association d/b/a Horseshoe Casino Council Bluffs. Commissioner Andres seconded the motion, which carried unanimously.

Isle of Capri Bettendorf, L.C.: Nancy Ballenger, General Manager, presented the following contracts for Commission approval:

- Johnson Controls – Five Year Maintenance Contract for Fire and Life Safety System at the Convention Center
- Summit Fire National Consulting, LLC – Five Year Maintenance Contract for Fire Panel in the Fire and Life Safety System

- Vendigard Fire Equipment – Five Year Maintenance Contract for Ansul System in the Fire and Life Safety System

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contract as submitted by Isle of Capri Bettendorf, L.C. Commissioner Campbell seconded the motion, which carried unanimously.

Wild Rose Clinton, L.L.C.: Leah Garcia, Assistant General Manager, presented a contract with Johnson Controls Fire Protection LP for a Fire Alarm Panel Monitoring Agreement for Commission approval.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contract as submitted by Wild Rose Clinton, L.L.C. Commissioner Andres seconded the motion, which carried unanimously.

Grand Falls Casino Resort, LLC: Mr. John, on behalf of Sharon Haselhoff, General Manager, presented a contract with The Printer Inc for Direct Mail Marketing, Printing and Postage for Commission approval.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contract as submitted by Grand Falls Casino Resort, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Riverside Casino and Golf Resort, LLC: Mr. John presented the following contracts for Commission approval:

- 1st Choice Specialty Services – Gift Card Purchases for Marketing Promotions (OSV)
- Aramark Refreshment Services, LLC – Vending Machine for Hotel and a Micro Market
- Carrier Access I.T. – Hardware/Software and Support
- D&K Products – Turf Management Supplies
- Iowa Beverage Company – Beverage Purchases
- Lee Enterprises Inc – Digital Internet Advertising
- Menards – Gift Card Purchases for Marketing Promotions
- The Printer Inc. – TPI Central – Marketing Mailers

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as presented by Riverside Casino and Golf Resort, LLC. Commissioner Andres then said she did have one question. She wanted to know if the contract with The Printer, was for actual old fashioned direct mail. Mr. John stated it was. Commissioner Burkhardt seconded the motion, which carried unanimously.

SCE Partners, LLC: Doug Fisher, General Manager, presented the following contracts for Commission approval:

- Agilysys NV, LLC – Property Hotel Management System (OSV)
- Everi – Purchase Everi Loyalty Kiosks & Associated Annual Costs (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as submitted by SCE Partners, LLC. Commissioner Andres seconded the motion, which carried unanimously.

IOC Black Hawk County, Inc.: Chad Moine, General Manager, presented the following contracts for Commission approval:

- Blackhawk Automated Sprinklers – Test and Inspection of Fire and Life Safety System
- Paulson Electric Company – Electrical Contractor
- Protex Central, Inc. – Test and Inspection of Fire and Life Safety System
- Young Plumbing and Heating Co. – Plumbing & Heating

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by IOC Black Hawk County, Inc. Commissioner Burkhart seconded the motion, which carried unanimously.

Dubuque Racing Association, Ltd.: Alex Dixon, President and CEO, presented a contract with Disturbed Touring Inc for an Entertainment Artist for Commission approval.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as submitted by Dubuque Racing Association, Ltd. Commissioner Campbell seconded the motion, which carried unanimously.

Ameristar Casino Council Bluffs, LLC: Paul Czak, General Manager, presented the following contracts for Commission approval:

- Crane Payment Innovations – Credit Card Reader for Cigarette Vending Machine Service Agreement
- Cintas – Uniforms for Casino Staff
- Lamar Texas LLP/The Lamar Company – Billboards
- Liberty Fruit Co. – Fruit Supplier

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as submitted by Ameristar Casino Council Bluffs, LLC. Commissioner Burkhart seconded the motion, which carried unanimously.

Rhythm City Casino, LLC: Mo Hyder, General Manager, presented the following contracts for Commission approval:

- GroupGifting.com – Home Depot Gift Cards for Marketing Promotion
- Kwik Trip, Inc – Kwik Trip Gift Cards for Marketing

- Lee Enterprises – Digital & Print Advertising
- Universal Attractions Agency – Booking Agency for Entertainers (OSV)
- William Morris Endeavor Entertainment, LLC – Booking Agency for Entertainers (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as presented by Rhythm City Casino, LLC. Commissioner Burkhart seconded the motion, which carried unanimously.

HGI-Lakeside, LLC: David Monroe, General Manager, presented the following contracts for Commission approval:

- DSI Systems, Inc. (Direct TV) – Direct TV for Entire Property Including Installation
- MidWest Sealcoating of Iowa LLC – Parking Lot Asphalt Maintenance and Repair
- Van-Wall Equipment – Maintenance Equipment

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contract as submitted by HGI-Lakeside, LLC. Commissioner Burkhart seconded the motion, which carried unanimously.

Diamond Jo, LLC: Wendy Runde, General Manager, presented the following contracts for Commission approval:

- Conlon Construction – VIP Lounge Refresh
- ANZ Solutions Iowa, LLC – Boyd Tier Gift Program
- Mid Iowa Refrigeration Inc – Repair and Preventative Maintenance on F&B Equipment
- Portzen Construction – Restroom Refresh (1 of 3)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as submitted by Diamond Jo, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

HEARINGS:

Sports Information Group, LLC: Ms. Eick presented the Stipulated Agreement with Sports Information Group, LLC for a violation of Iowa Code § 99F.9(7) (Credit). Sports Information Group, LLC does business as DRF Sportsbook. Pursuant to Iowa law a licensee should not accept a credit card or other forms of credit to be wagered on gambling games. On July 30, 2023, DRF Sportsbook, through one of its third-party payment processors (World Pay), accepted a \$100 credit card transaction to fund a sports wagering account. On November 2, 2023, DRF Sportsbook did a quarterly audit where they discovered the transaction and immediately reported it to the Commission.

Erin Barnett, General Counsel, said this payment was accepted as the result of an error. She said there was a momentary downtime in the World-Pay software, specifically a portion of the software

that would prevent credit card payments. She said she believes they have the right process in place to avoid such issues and they have a practice to conduct a quarterly audit to detect any system errors. She respectfully requested the Commission to consider a fine on the lower end of the range.

Commissioner Campbell asked staff if World-Pay was one of the vendors they had trouble with in the past. Ms. Eick confirmed that yes it was.

Chair Olsen asked if they plan to hold World-Pay responsible for any fine they get. Ms. Barnett said they will certainly try to hold them responsible but they have not committed to pay any fine that they receive.

Commissioner Burkhardt asked staff if this fell in the same time frame of when other licensees were having problems with World-Pay. Ms. Eick said this falls outside of that and is kind of a second wave as DRF was not operating at the time the others were having issues.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the Stipulated Agreement as presented with an administrative penalty of \$10,000. Commissioner Burkhardt seconded the motion, which carried unanimously.

Next Three Hearings: Chair Olsen announced that we would be presenting the next three hearings together and then the Commission would take a motion on each item separately. Ms. Eick said all three of the next items involve Caesar's properties and stemmed from the same core incident. Specifically, the incidents arose out of the one time migration of the company wide database for player accounts.

Specific to Harrah's that resulted in failure to deactivate 10 self-excluded individuals. On four different occasions two self-excluded individuals used their player's club cards while gambling at Harrah's and Harrah's also gave one of the self-excluded individuals \$50 in promotional play when those accounts should have been restricted.

In addition, from January 27, 2023 to June 1, 2023, Harrah's sent four self-excluded individuals a total of 19 mailers and multiple promotional contacts from multiple Caesar's facilities.

Mr. Roberts apologized to the Commission and to his fellow general manager, Ms. Ballenger. He said there is no excuse for what happened he can only provide the circumstances surrounding it and the actions they have taken to make sure it doesn't happen again. He stated that when this mistake happened in 2022 the lead compliance officer was out with Covid. There was another compliance officer that worked for her that was not fully trained so instead of delegating the work to her, she took it home and she missed two days. They did self-report immediately when this was caught. He stated this employee is a 20-year employee in compliance and does not have one issue on her record at all and has won multiple awards with their company for the work she does. This was the only blemish on her account. He said they need to be more diligent and since then they appointed a lead that does the downloads and the compliance officer checks. Since they have made this change in June 2023 they haven't seen another issue.

Harveys Iowa Management Company LLC: Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the Stipulated Agreement with an administrative penalty of \$10,000. Commissioner Burkhardt seconded the motion, which carried unanimously.

Iowa West Racing Association d/b/a Horseshoe Casino Council Bluffs: Ms. Eick presented information specific to Horseshoe. Horseshoe failed to deactivate the players club accounts on 10 self-excluded individuals on two separate occasions. Two self-excluded individuals used their players club cards while gambling and one self-excluded individual received \$15 in promotional play when they should have been restricted.

In addition, from February 16, 2023 to June 5, 2023, Horseshoe sent four self-excluded individuals a total of 22 promotional contacts as well as many other contacts for out of state Caesars locations.

Commissioner Burkhardt said that although the incidents are the same, one difference is that with this property, in the last 24 months they have had one incident that resulted in a penalty of \$20,000 for a self-excluded incident.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the Stipulated Agreement with an administrative penalty of \$20,000. Commissioner Andres seconded the motion, which carried unanimously.

Isle of Capri Bettendorf, L.C.: Ms. Eick presented information specific to Isle of Capri Bettendorf, L.C. This incident involved just one individual who the Players Club account became active resulting in the self-excluded individual receiving a promotional mailing. There was no record of this individual ever gambling at the facility.

Ms. Ballenger addressed the hearing for Isle of Capri Bettendorf, L.C. She stated this was a very unfortunate situation. Prior to this incident they had a separate database and due to the timing of the conversion it led to this incident. She said the good news is that since they converted they have a lot more access to Caesars assets and links to marketing which has been able to help them bring people into the state and grow their revenues that way.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the Stipulated Agreement with an administrative penalty of \$5,000. Commissioner Burkhardt seconded the motion, which carried unanimously.

Chair Olsen then announced we would be taking a 10 minute break.

GAMING MARKET STUDY:

The Innovation Group: Alex Goldstein, Manager, introduced himself and said it was a pleasure to be there. He mentioned he is a native of Bettendorf and has many ties with the state. He said The Innovation Group has been around since the early 90's, the beginning of the gaming boom in the country. He said their specialization is in the gaming industry and their work has led to over \$100

billion dollars in investment decisions. Mr. Goldstein said their accuracy and reliability is unmatched across the industry with actual results coming within 5% of their projections. He then showed slides of the team that would be working on this study, and said himself and Tom Zitt, Executive Vice President, would be leading the team. Mr. Goldstein reviewed five market studies they have done in Iowa where the results came back with 5% accuracy or less, including a study they did for Prairie Meadows in 2001 with 2.6% accuracy. Mr. Goldstein said that since this would be an update to a report they did for the Commission three years ago, they would be in the position to provide the report in a very timely manner. He ended by showing testimonials from previous clients.

Commissioner Burkhardt asked how they define who the stakeholders are and how they would go about getting their input. Mr. Goldstein said the stakeholders would be everyone from the local communities, other competitors, and the non-profits. He said getting perspective from both sides would be very important in their analysis. Commissioner Burkhardt asked what their methodology would be in collecting that data. Mr. Goldstein said outreach, focus groups, surveys, and even direct calling.

Commissioner Campbell asked how they would reach out to the non-casino and non-profits to gauge the impact it would have on non-casino businesses and non-profits. Mr. Goldstein said that in his experience the non-profits have always been very cooperative because it is really important to them. Commissioner Campbell then asked if there is anything they would do differently based on their experience. Mr. Goldstein said that the last time they did this study was in the middle of a pandemic and there were lots of uncertainties. He said casino visits were doing down but spend was going up. He said gaming is starting to level off to the pre-pandemic levels and is in a more normalized time almost similar to before Covid.

Chair Olsen said that we need to make sure the data is accurate and unbiased, and wanted to know if they have done any work with a licensee or parent company that we should be aware of. Mr. Goldstein said they pride themselves on being independent and being a totally neutral party. Commissioner Andres asked if they have done any work for any specific Iowa licensees in the past year. Mr. Goldstein said no.

Chair Olsen asked what specifically they would need from staff. Mr. Goldstein said updated databases will be the most important for accurate work. He said they are able to use the databases from 2021 but those are during the pandemic. He said general financials of the properties as well as charitable contributions would also be requested.

Commissioner Burkhardt said their report broke out how their time would be spent and she asked if they weighed them equally in terms of effort and research. Mr. Goldstein said that since they haven't worked in Iowa in over a year, their initial time would be spent researching what is new in Iowa, and if there is anything they missed in the past year. He said in terms of time it's roughly 20% initial research and then 80% graphic modeling and economic development.

Marquette Advisors: Louis Frillman, President, introduced himself and thanked everyone for having them. He said they have interviewed for a similar RFP three other times and were awarded

it all three times. They are the only company presenting that is located in the Midwest and they have been in the gaming consultant business since 1989. They are not a large company and do the work themselves. They are very proud of their history and their outcomes.

Brent Wittenberg, Senior Vice President, also spoke and said they have allocated a lot of time for questions. He said they have 30 plus years of experience in Casino markets and are hopeful they will be awarded a contract for a fourth time. He said that one of the main questions is efficiency and you only get that by hard work. They plan to spend considerable time in each market, visiting each facility and meeting with the general managers and staff to gather as much information as possible. He said their hard work demonstrates efficiency.

Commissioner Burkhart asked what spending time in each market looked like. Mr. Wittenberg said that initially they would work with the staff, which is what takes the most time. They hope to get out to the markets and spend a considerable amount of time at each one. Mr. Frillman said that they have visited each property at least three times, probably more, and they will visit each one again because things change. He said that nothing can substitute seeing it in person and traveling to each property to meet with the managers and stakeholders.

Commissioner Campbell asked how they will reach out to the non-profits and small businesses not related to the casino and asked if he could elaborate a little on how Lym County has changed. Mr. Wittenberg said they first need to get a good understanding of how each of the current facilities are impacting the non-profits and how that works. He said Lynn County has changed in terms of demographics and nationally gamers are younger and they need to see if this holds true for Iowa.

Commissioner Andres asked if they have done any work for any specific Iowa licensees in the past year. Mr. Wittenberg said no and probably not for 10 years or more. Chair Olsen said they did the study in 2017 and he is curious why that would be an advantage or disadvantage. Mr. Wittenberg said they have familiarity, but the facilities and markets have changed. He said there are advantages with their familiarity, proximity, their ability to spend a lot of time in the market and experience. Mr. Frillman said their advantage is they have been there from the beginning. He said they have support staff but they do not have a large pyramid structure where a lot of people are involved.

Chair Olsen asked what they would require from staff. Mr. Wittenberg said facilitating the flow of information between the facilities and them. Mr. Frillman said they are really good at data organization, but delivering the data in a way that will be easily understood will take a lot of time.

Spectrum Gaming Group: Matthew Roob introduced himself and said it was an honor to be invited back and at a different casino. He said they had been hired before and they appreciate that. He stated his background is in operations and they have done work with a licensee in the past 12 months in Iowa. Mr. Roob said they have extensive background in all aspects of gaming. He said they are independent, unbiased and comprehensive. He said they will look at case studies in states where new casinos entered the market and look at their gross gaming revenue estimates. He said they do a lot of research on a zip code basis. He mentioned that people like to shop around and play different games at different places for the experience. Mr. Roob said they will assist us in

making this decision. He said they will give the pros and cons of each scenario and help with the very difficult decision. He said the team would consist of five people with over 135 years of gaming-related experience.

Commissioner Burkhardt asked if they planned to look at other stakeholders outside of the facilities and non-profits. Mr. Roob said absolutely as it will impact others as well. He said it is important to understand that if they lose 200 jobs, what happens to the volunteer base at the non-profits. Commissioner Burkhardt then asked what that looks like in terms of methodology and how they will reach out to them. Mr. Roob responded that they will sit down with staff and casino operators to understand who the non-profits are and work with the non-profits to see where their volunteers come from. Commissioner Burkhardt asked if by saying sit down he means in person meetings. Mr. Roob said either in person or on the phone, depending on availability of all parties.

Commissioner Andres asked him about the accuracy of their work. Mr. Roob said a lot of their work is forward facing and it is very difficult to look at it in terms of accuracy because there are so many different variables. Commissioner Andres said the scorecard has a spot for accuracy so would there be anything else he would like to add. Mr. Roob said not particularly, just that they keep getting hired back by customers.

Chair Olsen asked if they have done any work with Iowa operators in the past 12 months. Mr. Roob said they have and that work is finished up. Chair Olsen then asked what they would need from staff. Mr. Roob said mostly just outreach. He said a lot of the operators might be comfortable sharing stuff with staff and might not be willing to share with them so being that middle person.

GGHM: Richard Baldwin, Managing Principal in Las Vegas, introduced himself and thanked everyone for the opportunity to present. Mr. Baldwin said there are four partners in the firm and they are a leading global gaming industry advisor. He said they do work primarily in North America and take a selective approach to the work they take on, occasionally turning down work so that there are no bad experiences for either party. He stated that they take a very detailed analytical approach to everything they do. He said there is a lot of conversation around accuracy and they don't publish or promote how accurate they are as it's a very difficult thing to do and they don't feel it makes sense for them to do so. He said the nature of the work is very subjective and their job is to determine the market and the demand, they are not responsible for execution. Mr. Baldwin did say 90% of their business is repeat customers and their clients wouldn't call them back if they didn't find benefit in their work. He said they will get in the market as much as they can and listen as listening is an important part of it, but they will remain unbiased and subjective. Mr. Baldwin said his firm knows how to ask the right questions and they aren't afraid of telling their clients they don't agree if that is the case. He said in 2013 he was with a different firm that was awarded this study and it was a memorable experience that he hopes to repeat again if awarded the opportunity.

Commissioner Campbell asked if by taking a holistic approach, would they really be able to give them the tools they need to make this decision. Mr. Baldwin said they will share as much detail as the client wants to see. He said they are equipped to take on whatever the situation calls for and believes everything is zip code, distance and drive time based.

Commissioner Burkhart noted that gaming was number four on their list of markets they work with. She was interested in what data is readily available to them and what they would need from the staff. Mr. Baldwin said gaming is their bread and butter. He said they will use whatever information is publicly available. They will also perform thorough Google searches and will sit down and talk to people. He said as far as what they will need from the Commission, not much, mostly just facilitate introductions.

Commissioner Andres asked if a drive time analysis is included because it states it's optional. Mr. Baldwin said that yes, every market study they do includes drive time analysis. Chair Olsen asked if they have done any work with any Iowa licensees in the past 12 months and Mr. Baldwin said they have not.

Commissioner Campbell moved to eliminate the 5th company that was supposed to present as they did not show up and therefore did not complete the mandatory requirement, and to only review and consider the four that did present. Commissioner Burkhart seconded the motion, which carried unanimously.

EXECUTIVE SESSION: Chair Olsen requested a motion to go into Executive Session. Commissioner Burkhart moved to go into closed session pursuant to Iowa Code Section 21.5(1)(a) for consideration of applications for gaming market study including cost proposals and trade secret information which is confidential pursuant to Iowa law and Iowa Code Section 21.5(1)(d&f) for review and deliberation on whether to initiate licensee disciplinary investigations or proceedings. The Commission would include conflict counsel, John Lundquist, assigned by the Attorney General's Office. Commissioner Campbell seconded the motion, which carried unanimously on a voice roll call.

At 12:33pm Chair Olsen requested a motion to leave Executive Session. Commissioner Campbell so moved. Commissioner Burkhart seconded the motion, which carried unanimously.

After a short break, at 12:36pm, Commissioner Campbell moved to reconvene the public meeting. Commissioner Burkhart seconded the motion, which carried unanimously.

MARKET STUDY - VOTE TO ISSUE NOTICE OR NOTICES OF INTENT TO AWARD: Commissioner Campbell moved to issue a Notice of Intent to Award to both The Innovation Group and Marquette Advisors. Commissioner Burkhart seconded the motion, which carried unanimously.

VOTE ON WHETHER TO INITIATE LICENSEE DISCIPLINARY INVESTIGATIONS OR PROCEEDINGS: Commissioner Andres moved to issue a Notice of Hearing and Statement of Charges in Case No. 24-01, 24-02, 24-03, and 24-04. Commissioner Campbell seconded the motion, which carried unanimously.

PUBLIC COMMENT: None

ADMINISTRATIVE BUSINESS: None.

ADJOURN: Hearing no further business to come before the Commission, Chair Olsen adjourned the meeting at 12:39.

MINUTES TAKEN BY:


CHANTELLE S. ARMINTROUT

IOWA RACING AND GAMING COMMISSION

MINUTES

OCTOBER 3, 2024

The Iowa Racing and Gaming Commission (IRGC) met on Thursday, October 3, 2024 at Isle Casino Hotel Bettendorf in Bettendorf, Iowa. Commission members present were Daryl Olsen, Chair; Mark Campbell, Vice Chair, and members Julie Andres, Amy Burkhart and Alan Ostergren.

APPROVE AGENDA: Chair Olsen called the meeting to order at 8:30 AM and requested a motion to approve the agenda as presented. Commissioner Ostergren so moved. Commissioner Burkhart seconded the motion, which carried unanimously.

APPROVE MINUTES: Chair Olsen requested a motion to approve the minutes from the August 29, 2024 Commission meeting. Commissioner Burkhart moved to approve the minutes as submitted. Commissioner Campbell seconded the motion, which carried unanimously.

WELCOME: Nancy Ballenger, Senior Vice President and General Manager, welcomed everyone and thanked them for coming. She gave a little background of how riverboat gambling got started in the state of Iowa and how Bettendorf was honored to be the birthplace of riverboat gambling in the state. She said since that time the gaming industry has changed significantly. They have invested millions in their location and are thrilled to offer the largest hotel in the state attracting guests from all over. Bettendorf is getting ready to celebrate 30 years at their current property in 2025. Ms. Ballenger said they have 24 employees who have been with the property since 1995 and they are planning many ways to celebrate them. She then said how thankful she is for the partnership with their Qualified Sponsoring Organization (QSO), Scott County Regional Authority (SCRA), and she introduced Chad Manternach, Board President.

Mr. Manternach welcomed everyone to Bettendorf. He said SCRA funds grants twice a year, once in the spring and once in the fall. He said he is extremely excited because this year, with the fall grant cycle, they will surpass \$100 million in grants. They plan to throw a big celebration for this and invite past grant recipients and board members. He then thanked everyone for coming.

Scott Naumann, Mayor Pro Tem, also welcomed everyone to the City of Bettendorf. He said speaking at the Commission meeting was a great opportunity for him to personally thank everyone there for the incredible impact gaming has had on their region. He said it is a tourism magnet that has drawn people to the area and when you look around you see things that would not have been possible without the partnership of Isle Capri Bettendorf and SCRA. He said they are eternally grateful for those licenses and what they continue to do for the community today.

ANNOUNCEMENTS: Tina Eick, Administrator of IRGC, introduced Gaming Representatives Dan Martens, Rhythm City Casino and Stu Hoover, Isle of Capri Bettendorf, and expressed appreciation for their hard work and all they do.

Ms. Eick advised the next meeting on November 20th is for a site visit and public comments regarding the Linn County License Application and will be held at The Hotel at Kirkwood Center

in Cedar Rapids, IA. She advised anyone wishing to speak will be allowed three minutes and will need to sign up on site to do so. She said there will be further information regarding this on the IRGC website prior to that meeting.

Ms. Eick then said the next Commission meeting will be held on November 21st at Catfish Bend Casino II, LLC in Burlington, IA. The submission deadline for this meeting will be November 6th. There will be no meeting in December. The first meeting of 2025 will be held on January 23rd at Wild Rose Hotel & Casino in Jefferson, IA.

SCE PARTNERS, LLC: Doug Fisher, General Manager, presented their remodeling plans to turn the World Tour Buffet into an event center. He said the buffet has not reopened since Covid, but they have been using it for events. He said the new space will mirror the Hard Rock look and will hold weddings, business dinners, and more. He said they are excited to have this new amenity and respectfully ask for approval.

Chair Olsen said they never like to see the loss of restaurants and asked if there were plans to later bring back the buffet or if they think this is the best use of that space. Mr. Fisher, said they do think this is the best use of that space. Commissioner Burkhart asked him to please remind them of what other restaurants were at the property. Mr. Fisher said Main + Abbey and Fuel American Grill.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the remodel request as presented by SCE Partners, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

CATFISH BEND CASINOS II, LLC: Gary Hoyer, CEO, presented phase two of their remodel plans. He said they approved phase one at the last meeting, which was just the initial phase. He said they plan to spend \$2.5 million plus on this refresh. They do not plan to move a lot of walls, but just dressing it up a bit and making it look new again.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the remodel request as presented by Catfish Bend Casinos II, LLC. Commissioner Andres seconded the motion, which carried unanimously.

IOWA WEST RACING ASSOCIATION (IWRA) D/B/A HORSESHOE CASINO COUNCIL BLUFFS:

Application for a Pari-Mutuel License, Racetrack Enclosure Gambling License, and Sports Wagering License for January 1, 2025 through December 31, 2025: Thomas Roberts, Senior Vice President and General Manager, was present to address the agenda item. Brenda Mainwaring, President and CEO of the IWRA, was on Zoom as she was unable to make the meeting in person. Ms. Mainwaring expressed her sincere apologies for not being able to attend the meeting. She requested approval of the license renewal. She said Caesars continues to make very important investments to improve guest services and rehabilitate the structure for the long term. She said their investments make sure Horseshoe continues to be important to the city of Council Bluffs.

She said she and Thomas as well as the City have talked about how to make the best use of the dog track and grandstand, which she knows is very important to the Commission. She said the Mid America Center has become a regional attraction in terms of sports in particular, so they want to make sure that whatever happens at the grand stand not only serves Horseshoes interests but also amplifies what they are already doing from a recreation standpoint at the Mid America Center. Ms. Mainwaring respectfully requested renewal of their license.

Mr. Roberts started by saying 2024 was a year where they have continued battling competitive impact. He said by the end of 2023 they put themselves in a good position to compete with what was happening in Nebraska and this year they have continued to do so by reinvesting in their property. He said they have live entertainment every weekend and continue to try to improve their offerings. Mr. Roberts said they will also have the first Iowa table game area wide progressive which will connect four of their casinos and should go live by the end of the year. He said they will continue to invest in their property and make sure they have the best gaming offering in Council Bluffs.

Mr. Roberts addressed some questions that had come up about their race book. He said they are one of the few locations in the United States that offers a race book where year over year they are seeing an increase in handle, wagers and player engagement. He said the handle is up over 12% and the wagers are up over 6%. He said their handle for simulcast has grown from 5.5 million in 2022 to 6.5 million in 2024. Mr. Roberts said they remain committed to delivering the best gaming experience in Council Bluffs and on behalf of the 580 employees of Horseshoe he requested the renewal of their license.

Commissioner Campbell asked for an update on their remodel. Mr. Roberts said for Harrah's they have seen a delay on some shipping and they are about three weeks behind. He said they hope to be done by the end of November but there might still be five or six rooms waiting on a few things, but should be on track to be done by the end of the year.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve Iowa West Racing Association's Application for a Pari-Mutuel License, Racetrack Enclosure License and Sports Wagering License for January 1, 2025 through December 31, 2025 and approve the facility's revised security plan with the following conditions:

- Staff be provided with an accurate and updated list of all signals being taken by the simulcast venue on an ongoing basis.
- Import contracts continue to be available on demand to staff to ensure regulatory compliance.

Commissioner Ostergren seconded the motion, which carried unanimously.

Request for Approval of Remodeling Pursuant to 491 IAC 5.4(15): Mr. Roberts presented the remodel plans. He said that after Covid they saw a decline in dealers and they needed to cut down on table games to accommodate the number of dealer to supervisor ratio to protect the money and the integrity of the game. However, as times change, they are able to get more dealers to open up

more table games and open a private high limit room. He said some of the better players like to be in a private room and not surrounded by others. He said the area they are looking to remodel is the last space of the old buffet area. He said they are taking that area and opening a luxury high limit slot area.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the remodeling as presented by Horseshoe Casino Council Bluffs. Commissioner Burkhart seconded the motion, which carried unanimously.

Contracts: Mr. Roberts presented the following contracts for Commission approval:

- HRB Realty Co., Inc./Harveys BR Management Co., Inc. – Management Agreement
- HRB Realty Company, Inc. – Lease Agreement

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as submitted by Horseshoe Casino Council Bluffs. Commissioner Andres seconded the motion, which carried unanimously.

PRAIRIE MEADOWS RACETRACK AND CASINO, INC. D/B/A PRAIRIE MEADOWS RACETRACK AND CASINO:

Application for Pari-Mutuel License and Granting of Race Dates; Racetrack Enclosure Gambling License, and Sports Wagering License for January 1, 2025 through December 31, 2025: Gary Palmer and Derron Heldt, General Manager and Vice President of Racing respectively, were present to address the agenda item. Mr. Palmer requested the renewal of their gaming, pari-mutuel and sports betting license. He said they are celebrating their 35th year in business and they are privileged to have their license. He said they continue to expand and remodel. Mr. Palmer said their numbers are very good this year, might not be the best year, but maybe the 2nd best. He said things are going very well and requested their license be renewed.

Chair Olsen asked if race dates had been set. Mr. Heldt said at this point no. He said since the last Commission meeting, they had a presentation by Doug Reed for all the stakeholders and the following day they got together to discuss the upcoming season. He said they had a good conversation, the Horsemen listened, but it was primarily Prairie Meadows providing them a calendar and going through some recommendations Mr. Reed had made. He said they revised the current calendar, reducing the number of race dates, and the Horsemen were supposed to take that back to the board to discuss. He said they have another meeting scheduled for Monday, October 14th, to discuss more. Mr. Heldt said they are continuing to talk and with the November Commission meeting deadline set for November 6th, they have about a month to get things figured out. He said they are possibly looking at a one-year plan to be able to better plan for some of Mr. Reed's recommendations.

Commissioner Burkhart asked if the stakeholders have a monthly meeting planned. Mr. Heldt said yes, they will continue to meet monthly until this is resolved. Commissioner Campbell said he appreciated the opportunity to meet with everyone, but was hoping to have some dates by now. He said he understands the time and commitment that has been put into the study and is

disappointed that they can't move forward on this. Mr. Palmer said there are going to have to be some changes made. He said their thought and suggestion is a stair step process. He said they can't just change overnight and they need a little time to make changes. He said they are looking to make changes this year that will help them come up with a long term plan on how racing will look in the future.

Commissioner Ostergren said that if no agreement is made, the Commission will decide the dates. He said what they come up with will not be as good as what the stakeholders could come up with. Chair Olsen said we will not stop you from operating, but we will establish dates if you don't. He said he believes they are all in agreement that that's not what they want to do, but they will if they have to. He said if they do, they will follow the guidelines of the study. Mr. Palmer said he felt confident that they would come to an agreement and confident that next year when they come for renewal, they will have a long term plan in place.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to table this agenda item for the renewal of Prairie Meadows license applications and approval of race dates until the November meeting. Commissioner Campbell seconded the motion, which carried unanimously.

Recap of Race Meet: Mr. Heldt gave a brief recap of their recently completed 80 day race meet. Actually 81 days as they had to have a makeup date for a weather related cancelation. He said their handle both for on track and off track thoroughbreds was up. For on track the handle was up about 8% and for off track the handle was up about 2.3%. For quarter horses, off track handle was up about 3.6% and on track was up about 1.4%. The combined handle for thoroughbreds and quarter horses was up about 2.9% over the prior year. He said some factors that contributed to this increase were they had 11 more races this year, they had great weather and TVG carried more of their races.

He said on field size, thoroughbreds were slightly down from the prior year. He said this year they averaged 6.28 horses per race versus 6.33 in 2023. On the quarter horse side, the numbers were up this year. They averaged 7.08 horses per race versus 7.01 from last year. He said they had great performances throughout the season. He said they had decent field size, handle was good, and participation was strong.

Mr. Heldt then spoke a little bit about the breeding on the thoroughbred side. He said they had their annual sale at the end August. The sales topper brought in \$55,000 this year which is pretty much in line with what has occurred in total years. However, he said the gross from the sale was \$941,000 which was a record year. He said this speaks to the quality. They saw some buyers from Minnesota and neighboring states.

Mr. Heldt then spoke on the catastrophic injuries. He said at Prairie Meadows they try to take care of their racing surfaces the best they can. He said the National average for catastrophic injuries in 2023 was 1.32 per 1,000 starters. He said this year they had five catastrophic injuries on thoroughbreds, which equated to 1.40 catastrophic injuries per 1,000 starters, which is right in line

with the National average. On the quarter horse side, they only had one injury and they had close to 1,500 starters.

Commissioner Ostergren asked if the track averages are on all different track surfaces across the country and Mr. Heldt said yes. He said the season recently ended and they are out getting soil samples from the track, working on drainage, and more to make sure they are ready for training in April. He said they are also working on numerous backside projects including, barn window replacement, black top overlay on roads, new shingles on barns, and new asphalt. They are also adding fans to each stall where the horses get saddled to help with air circulation on hot days. Bird netting will also be added to keep birds out.

Chair Olsen, said its great to see field size for quarter horses and are up slightly but noted thoroughbreds are still down and that's a continuous trend. Chair Olsen noted barns are full at the beginning of the year, but don't stay full and that's a trend that isn't reversing and that needs to change. Chair Olsen questioned barn space at the end of the year and how many thoroughbreds and quarter horses were on track. Mr. Heldt said they hit their peak around the end of June when they had close to 95% thoroughbreds and 90% quarter horse population. However, in the beginning of August they lost about 125 or so horses to other tracks and that some of the less competitive horses left. Commissioner Campbell asked Mr. Heldt to please let everyone know how many horses Prairie Meadows can house and what their average is as he said it is shocking. Mr. Heldt said they have stall space for 1,419 horses. They try to allocate 960 for thoroughbreds and 420 for quarter horses, with a few stalls left over for ponies. Commissioner Campbell said when you look at that and the staff that it takes to house that many, the economic impact on the state is enormous.

Contracts: Mr. Palmer presented the following contracts for Commission approval:

- Baker Group/Baker Mechanical – HVACR Upgrades and Repairs
- Control Installations of Iowa (Basepoint) – Building Automation Upgrades
- Des Moines Steel Fence – Fence Installation and Repair
- JF Ahern Company – Fire Sprinkler Servicing
- Karl Chevrolet – Vehicles
- Trane US (Des Moines Trane) – HVAC Equipment and Service

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as submitted by Prairie Meadows Racetrack and Casino, Inc. Commissioner Burkhardt seconded the motion, which carried unanimously.

CONTRACT APPROVALS (OSV – OUT OF STATE VENDOR; RP – RELATED PARTY):

Wild Rose Emmetsburg, L.L.C.: Steve Cody, General Manager, presented a contract with Premier Mechanical Services, Inc. for a monthly maintenance fee and repairs to the HVAC system.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contract as submitted by Wild Rose Emmetsburg, L.L.C. Commissioner Ostergren seconded the motion, which carried unanimously.

Wild Rose Jefferson, L.L.C.: Mr. Cody presented the following contracts on behalf of Travis Dvorak, General Manager, for Commission approval:

- Home State Bank – Home State Bank Credit Card for Purchasing Various Items over the Internet by all Departments
- USA Security – Surveillance Equipment (Cameras, Video, Servers, Install Labor)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the contracts as submitted by Wild Rose Jefferson, L.L.C. Commissioner Andres seconded the motion, which carried unanimously.

IOC Bettendorf, L.C.: Ms. Ballenger presented the following contracts for Commission approval:

- John Rohrer Contracting Company and Inc – Parking Garage and Façade Concrete Repairs and Waterproofing
- Johnson Controls – Five Year Maintenance Contract for Fire and Life Safety System

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by IOC Bettendorf, L.C. Commissioner Burkhardt seconded the motion, which carried unanimously.

Diamond Jo Worth, LLC: Scott Smith, General Manager, presented the following contracts for Commission approval:

- ANZ Solutions – Gift Program
- Kingland Construction Services – General Construction Services
- Lake Liquors Wine & Spirits – Purchase of Liquors for Bar

Commissioner Burkhardt questioned if they had previously approved the construction contract. Mr. Smith said they had, and this was just an extension of that. He said they might go over so they just wanted to be sure.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contracts as submitted by Diamond Jo Worth, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Commissioner Campbell then asked for an update on the construction. Mr. Smith said the beginning of September they opened up the remodeled bar and it's been a huge hit. He said its part of the transformation of modernizing the property. He said the new carpet in the casino creates a vibrant look. He said FanDuel also did some updates with their space as well. He said they will continue to do some transformations and will probably have some more contracts to ask for approval on.

Grand Falls Casino Resort, LLC: Damon John, General Manager of Riverside Casino and Golf Resort, LLC, presented the following contracts on behalf of Sharon Haselhoff, General Manager, for Commission approval:

- Performance Food Service – Food & Beverage Purchases
- Sysco Food Service – Food & Beverage Purchases

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Andres moved to approve the contracts as submitted by Grand Falls Casino Resort, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

Rhythm City Casino, LLC: Mo Hyder, General Manager, presented the following contracts for Commission approval:

- Blackhawk Network – BP Gas Gift Cards for Marketing Promotion
- Sysco Food Services of Iowa – Food Purchases

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by Rhythm City Casino, LLC. Commissioner Burkhart seconded the motion, which carried unanimously.

Catfish Bend Casinos II, LLC: Rob Higgins, General Manager, presented the following contracts for Commission approval:

- Conceptual Designs – Design Work for the New Gift Shop and Fixtures and Design Work on the Casino Remodel
- Frank Millard and Company, Inc. – Demolition Work, Framing, and Drywall Installation, and Finishing in High Limit Room, Bar Lounge Restrooms, Primary Restrooms and Player Services
- GRE Burlington Holding Company, LLC – Amend Previous Business Lease Agreement dated November 18, 2022 to Align Beverage Services of the Casino within the Leased Premises (RP)
- Within by Conceptual Designs – Tile, Wallcoverings, Murals, Light Fixtures, Décor, Casework and Furniture for Casino Remodel Project

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as submitted by Catfish Bend Casinos II, LLC. Commissioner Andres seconded the motion, which carried unanimously.

Riverside Casino and Golf Resort, LLC: Mr. John, General Manager, presented the following contracts for Commission approval:

- Billion Automotive – Vehicle Purchases
- Mid-State Poker Tour, LLC – MSPT Events (OSV)
- Modern Companies, Inc. – Air and Exhaust System for Pool Area
- Washington County Hospital – Medical Expenses

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by Riverside Casino and Golf Resort, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

HGI – Lakeside, LLC: David Monroe, General Manager, presented a contract with Indoff-Allied Appliance (OSV) to replace PTAC's in the Hotel, for Commission approval.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contract as presented by HGI – Lakeside, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

Ameristar Casino Council Bluffs, LLC: Paul Czak, General Manager, presented the following contacts for Commission approval:

- Core Mark Mid Continent Inc – Cigarettes/Groceries
- JCJ Architecture – Casino Design Services (OSV)
- Schindler Elevator Corporation – Vertical Transportation Service

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as presented by Ameristar Casino Council Bluffs, LLC. Commissioner Andres seconded the motion, which carried unanimously.

HEARINGS:

BlueBet Iowa LLC: Ms. Eick advised BlueBet Iowa LLC, who operates ClutchBet, and Commission staff had entered into a Stipulated Agreement for a violation of Iowa Code § 99F.4(22) (Self-Exclusion). Pursuant to Iowa law licensees are required to upload and download information to and from the IRGC Commission's self-exclusion system at least once every seven calendar days. On August 6, 2024 ClutchBet downloaded the updated information as required from the self-exclusion database. The next download should have been on or before August 13, 2024, however it was not completed until August 14, 2024.

Jeffrey Gilbert, Director, stated this was the first time he has ever appeared before a regulatory body for a violation of a code that has risen to an agenda item. He acknowledged that the company was late by one day. He said clearly the delay was unintentional and the result of human error. He said to his knowledge this is the first time a deficiency such as this has ever been brought against BlueBet. He said regrettably he could not provide a more adequate answer for the unintentional download delay. Mr. Gilbert said the download delay was caught by their compliance officer and as soon as they heard from IRGC audit, the compliance officer took immediate corrective action and downloaded the list the next morning, roughly 12 hours after it was due. He said the download delay did not have an adverse reaction on the state, the database clients or the company. He said no self-excluded person received any promotional offers and there were no transactions made by any persons on the list. BlueBet is in the process of winding down their business in Iowa. All refunds have been mailed out and all communications with clients have taken place. Mr. Gilbert said BlueBet has enjoyed working with IRGC and has appreciated their

input and guidance with operations in Iowa. He respectfully requested applying the lowest administrative penalty as possible.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the Stipulated Agreement with an administrative penalty of \$5,000. He said he does not like issuing fines for this, but the self-exclusion process is important and therefore a fine is needed. Commissioner Andres seconded the motion, which carried unanimously.

Crown DFS Inc.: Ms. Eick stated Crown DFS Inc, who operates DraftKings, and Commission staff had entered into a Stipulated Agreement for a violation of Iowa Code § 99F.4(22) (Self-Exclusion). Pursuant to Iowa law licensees are required to review and deactivate the accounts of newly enrolled participants of the statewide self-exclusion program, remove an excluded person from electronic promotional contact lists to no longer receive promotional materials no more than 90 days after a person self-excludes, and to check the self-exclusion list prior to establishing an account. On November 11, 2022, DraftKings updated their system that compares self-excluded people to existing accounts and then restricts any matches. The update however did not search for social security numbers. The update operated for 83 days before the issue was discovered and fixed. During this time, one individual continued to have access and was sent promotional contacts.

Jacob List, Senior Director of Regulatory Operations, said he has enjoyed a positive and productive relationship with the IRGC staff and appreciates their expertise. Mr. List said this issue was self-reported by DraftKings and the issue was remediated promptly.

Commissioner Burkhart asked Ms. Eick if there were any more pending infractions for this licensee. Ms. Eick stated she was not aware of any. Commissioner Burkhart then asked if there had been any other infractions for them in the past 24 months. Ms. Eick said not as it relates to this specific issue.

Commissioner Burkhart said 83 days is a very long time for this to go on. She said we are very lucky we are talking about such small amounts, but would hope this would not go on for this long.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the Stipulated Agreement with an administrative penalty of \$10,000. Commissioner Andres seconded the motion, which carried unanimously.

Crown IA Gaming LLC: Ms. Eick advised Crown IA Gaming LLC, who operates DraftKings, and Commission staff had entered into a Stipulated Agreement for violations of Iowa Code § 99F.1(24) and Iowa Code § 99F.4(22) (Impermissible Wagers and Self-Exclusion). This is a two count stipulation. For Count 1, pursuant to Iowa law licensees are required to review and deactivate the accounts of newly enrolled participants of the statewide self-exclusion program. On November 11, 2022, DraftKings updated their system that compares self-excluded people to existing accounts and then restricts any matches. The update however did not search for Social Security numbers. The updated operated for 83 days before the issue was discovered and fixed. During this time, one

individual continued to have access however, during the seven days the person had access when they should have been restricted, no deposits were made and no wagers were placed.

For Count 2, Iowa law defines a professional sporting event as an event, excluding a minor league sporting event, at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event, unless the event includes professional athletes participating in a sports or athletic event without compensation in excess of actual expenses for a charitable purpose. On April 7, 2023, the Professional Fighters League (PFL) showcased a fight between two competitors as part of its overall schedule of events. That bout was classified as an amateur fight. On April 14, 2023, DraftKings reported to the Commission they had offered wagering markets on this impermissible fight. DraftKings accepted 28 mobile wagers involving the fight totaling \$468.71 in handle. DraftKings voided all accepted wagers and issued a cash credit to customers who had placed winning bets.

Mr. List acknowledged that this was the same issue that we discussed in the above case. He said it was a self-exclusion issue that was due to an error in the software deployment. He said although the software was not matching Social Security numbers, it was still matching first name, last name, and date of birth. He said this is why only two patrons were affected. He said since then, they have strengthened their controls in the self-exclusion matching process. The team responsible for matching has also increased in size, including more senior staff.

Commissioner Burkhardt asked him to talk about the process they have in place so they do not have prohibited wagers in the future. Mr. List said prior to this they had a manual review process to check for amateur fighters and if there was one, it would not be allowed for wagers in Iowa. He said since then they have moved to a much more robust process. Now when there are new fighters, they are disabled from the system and someone has to go through and actively review them for professional status and mark them as professional. So rather than someone having to go in and prevent the fight from appearing, someone has to go in proactively and allow the fight to appear in the first place.

Hearing no further comments or discussion, Chair Olsen called for a motion. Commissioner Campbell moved to approve the Stipulated Agreement with an administrative penalty of \$5,000 for Count 1 and \$5,000 for Count 2. Commissioner Burkhardt seconded the motion, which carried unanimously.

Chair Olsen announced there would be a 5 minute break.

LINN COUNTY LICENSE APPLICATION PRESENTATION: Chair Olsen announced that the deadline for Linn County license application had passed and only one application was received. He said at this time we were going to listen to a presentation from Cedar Rapids Development Group LLC (CRDG) and Linn County Gaming Association (LCGA).

Brent Stevens, Chairman, Peninsula Pacific Entertainment (P2E), introduced himself and thanked the Commission and staff for the opportunity to present. He said 27 years ago they started their company in Dubuque, IA which started a two and half decade journey that they hope to continue

with Cedar Crossing. He said it was a pleasure to introduce his team who has delivered projects such as Diamond Jo, Diamond Jo Northwood and Hard Rock Hotel and Casino in Sioux City. He said these developments reflect our long standing commitment to Iowa and our proven ability to create destinations that resonate with the communities they serve. He introduced P2E's Iowa team and the others that would be presenting.

Mr. Stevens gave a quick summary of the Cedar Crossing project. It is a \$275 million investment, one of the largest in Iowa's history, that would have a casino with 700 slot machines and 22 table games. He said this is way more than just a casino. It would be a comprehensive entertainment destination. A vibrant mix of restaurants, a 1500 capacity entertainment venue, and poised to become the driving force of Cedar Rapids revitalizing downtown. He said the project also includes an arts and cultural center, a cutting edge STEM lab, and a shuttle service that would connect the property to local hotels and venues. He said what makes this project stick out the most is the overwhelming support they have from the community. He said Cedar Rapids is a city on the rise and is growing very rapidly.

Jonathan Swain, President, CRDG, said they have been committed to bringing Cedar Crossing to life for many years and he has personally been involved for the past 11 years. Today they are presenting a project that is stronger, more impactful and the best version of Cedar Crossing. He said an important question to think about is what has changed since 2017. First, the population growth in Linn and Johnson county is up 12% compared to the state average of 4.7%. Second the industry has grown. In 2017 the gaming industry was a \$1.5 billion industry and combined with sports wagering in 2024 we are just under \$2 billion. Third, Iowa is experiencing increased competition from neighboring states, Nebraska and Illinois. Fourth, they will offset that competition with \$80 million in new gaming revenue for the State of Iowa. Fifth, this project is \$100 million more than before on non-gaming amenities. Last, a larger contribution to non-profits, estimated at \$6.3 million annually, the highest contribution in the state's history. He said these changes represent their dedication not only to improving Cedar Crossing but to aligning their project with the evolving needs of Cedar Rapids, Linn County and the State of Iowa.

Mr. Swain then went over the criteria the Commission uses when considering and awarding a license. The guidelines included in their study were: Economic Impact; Community Support; State Gambling Industry Impact; Benefits to Iowa Tourism; Employment Opportunities; Development and Sale of Iowa Products; and Amenities. He said they believe their project not only meets but exceeds these standards. The team is now going to walk through each criteria to demonstrate how their project aligns with the benchmarks. He said their goal is to show how Cedar Crossing excels in each of the areas mentioned.

Suzanne Leckert, Managing Partner, Convergence Strategy Group (CSG), stated she was there to speak about the economic impact of the project. She said her group projects that the Cedar Crossing Casino will generate over \$108 million in gaming revenue annually, creating jobs and contributing significantly to state and local taxes. She explained that before now consultants such as herself used player databases to track their data, but that was only tracking about 50% of all players. Not all players are signing up for players cards and not all players are using their players card all the time. Technology has changed that. They now have visitation data that is over 97%

accurate. She said cell phones are the most sophisticated tracking devices in the world. CSG purchases anonymized mobile phone tracking data, showing how many people visit any square foot in the country, where they move from, their demographics, how long they stay, where they go before/after, where they work, where they shop. She said the data they get is privacy safe and they backcheck it and incorporate it into AI to account for the population that carry flip phones or no phone at all.

Ms. Leckert said the data they have obtained in this study shows that Cedar Rapids is underserved and underpenetrated. She said for the Cedar Rapids market they showed a gaming participation rate of 3.6% compared to 5.7% for the Quad Cities market, a similar rate for the Riverside market and over 7% for the Dubuque market. She said this shows there is significant room for growth and she is confident that the projections she is showing are the most accurate and reliable possible. Some of the other projections CSG has determined are: 1,100 construction jobs generated; \$300 million in construction related spending; \$6 million in additional sales tax; \$102 million in wage earnings; 524 full-time jobs generated; and \$66 million in spending annually. She said with the annual recurring payments to the City, County, State and QSO, they estimate \$33.5 million direct from Cedar Crossing to the community each year.

Ms. Leckert said that they looked very closely to the impact on existing competitors and they believe previous studies overestimated this. She cited previous studies that projected a loss on existing markets when a new facility came to the market. She mentioned that in these cases some showed a slight dip at first but then bounced back and within years were having revenues higher than they were before. She said they believe that much like other areas in Iowa, this region would be resilient and competitive and perhaps erase any losses in future years.

Tiffany O'Donnell, Mayor, City of Cedar Rapids, said Cedar Crossing represents a promise to voters who have said in two consecutive referendums that they want the same chance that others in our state have been granted, to bring a casino and entertainment center to Cedar Rapids, the 2nd largest city in the State. She said she is committed to the will of the people. This project is supported by local investors, business owners, elected officials, non-profit organizations and a host of other stakeholders. They believe deeply in the positive impact this will have on their community and realize this is not just about gaming but about growth opportunities and the revitalization of their community. Ms. O'Donnell said the CSG study showed that Cedar Crossing will attract one million new visitors to their region every year and provides a direct path for their future.

Anne Parmley, President, LCGA, said that Cedar Crossings annual contribution to LCGA as estimated by CSG is \$6.3 million. She said these funds would directly support local charities to enrich education, human services, art and culture and emergency services for the community. Eight percent net adjusted gaming revenue is the highest in the state and can positively impact homelessness, affordable housing, veterans' services and senior care. Ms. Parmley touched on three of the many non-profit organizations that would benefit from Cedar Crossing. The Boys and Girls Club would be able to expand their services to over 600 children. Four Oaks currently serves 27,000 families across the State of Iowa and it would allow them to expand services to more families and strengthen program offerings to provide lasting and stable success. Eastern Iowa Health Center serves 71,000 patients annually. They estimate 60,000 prescriptions annually and

see people regardless of their ability to pay. She said these are just three of hundreds of organizations that Cedar Crossing would be able to help. The \$6.3 million annually would create monumental change for their region.

Mr. Swain spoke again and said they have the support of over 60 local investors and along with P2E they will invest over \$110 million in equity into the project, representing 40% of the total project cost. He said this contribution, along with the \$165 million in financing from Banco Santander, will provide the capital needed to develop this project.

Mr. Swain said they are estimating that 74.3% of their AGR will come from underserved markets, representing new revenue for the state of Iowa. Another 25.7% is estimated to come from existing Iowa operators, but he compared this to previous expectations for new licensees. He said in 2011 it was estimated that Grand Falls would take 26.7% revenue from existing operators, and in 2015 Wild Rose Jefferson was expected to take 62.5% of revenue from existing operators. Both of these projects were approved.

Mr. Swain said Cedar Rapids attracts 2.5 million visitors annually. He said Cedar Crossing aims to be an integral part of this growing tourism. He said they will work with the State, County and tourism board to promote not only their amenities, but also the incredible attractions that Cedar Rapids has to offer. He said Cedar Crossing will be a 1500 capacity entertainment venue with three performance stages, hosting 125 shows annually.

Mr. Swain also touched on the employment opportunities the project would create. He said this project would employ over 1,000 workers during the construction phase, partnering with local unions for skilled labor and competitive wages. Once Cedar Crossing is operational, it will create 524 full-time jobs, including 300 direct roles at the property. He said this will be a great career with competitive pay, comprehensive benefits and opportunities for growth.

Aaron Gomes, President, P2E, touched on the development and sale of Iowa products. He said one of the foundations of the project is the commitment to the "Buy Iowa First" program. He said they are not just building a destination they're investing in Iowa itself. He said that means using Iowa-grown produce and sourcing local products and services whenever possible. He said they have done it before and at their Diamond Jo properties they had a 97% Iowa vendor sourcing success rate.

Mr. Gomes said another way they are supporting their local economy is by the Point Partner Program. The program allows guests to earn points at Cedar Crossing and redeem them with local businesses. He said it's a great way to ensure the entire community sees the benefits of the project, creating a ripple effect that strengthens local businesses and fosters community growth. He said this program costs absolutely nothing to the local businesses. Mr. Gomes showed a video of the Cedar Crossing project and some of the amenities it would include.

Mr. Swain wrapped it up by reviewing the key points in their presentation and why they believe now is the time for this casino. He said Cedar Rapids is growing and they have listened to what

Cedar Rapids needs. He said this is no longer about gaming, it's about the amenities and creating a community center. He said they have the right project and they believe 2024 is the right time.

Chair Olsen said he was opening it up to questions from the Commissioners but said to understand they have a lot to digest. He said they will do a site visit and a question and answer period, plus two more market studies, so they will have a lot more information to look at and time to ask more questions.

Commissioner Campbell said they have heard a lot about the support of Cedar Rapids, but he would like to know where the county stands with this. Ms. Parmley said they have the full support of the county. She said they have a letter in their packet with full support from the entire board of Linn County supervisors.

Commissioner Burkhardt said they keyed in on some areas of focus selected such as homelessness and veterans' services and she was curious how the group came to those areas of focus, and asked if they have some numeric data that would show the size of the population of each of those areas of focus. Ms. Parmley said the list she shared was just a sampling of non-profits they plan to support. She said they have to be purposeful when thinking about their grant administration and make sure they are open to a wide-variety of needs in their community. She said they also need to be able to flex if/when catastrophic events occur. She said they are really examining the needs in the community and hope to reflect that in their grant administration.

Commissioner Andres said she was really intrigued with the STEM Lab aspect of the project. She asked if it had been done elsewhere and what they are trying to achieve with that. Mr. Swain said education is a passion of his and his family is very involved in this area in the schools. He said STEM is something that needs to be emphasized more than what it is and this is a way to help with that. He said preparing kids with these skills is a great add on to what they are already getting and this can help them.

Chair Olsen said that he has never seen this data on participation rate. He asked Ms. Leckert to walk through what would be expected and if that data is available for them to review more. Ms. Leckert explained that the participation rate is a mathematical calculation similar to the gravity models that other consultants have shared. She said they reference the propensity (the percentage of the population that participates in gaming) and frequency (how often they do it per year) and multiply those two numbers to get the rate. She said in this case what it showed was that the Cedar Rapids market didn't participate in gaming at near the rates that other markets do that have a facility. Chair Olsen asked what he could expect an average rate to be. Ms. Leckert said that in this particular case they saw 3.6% for Cedar Rapids compared to 5.75% for the Quad City market and 7% for the Dubuque market. Chair Olsen asked if they had any data for the Des Moines market. Ms. Leckert said she did not have that one with her but it was much higher than Cedar Rapids, she recalls it was 5-6%.

Commissioner Burkhardt asked if there were graphs available to the Commission for the other potentially effected licensees besides the one they showed during their presentation for Prairie Meadows. Ms. Leckert said they did not provide those in their study but they would be happy to.

Commissioner Campbell asked if they were able to get a copy of all the maps that were created in preparation of the full study. Ms. Leckert said the maps were not included in the study but she would be happy to provide those to the Commission.

Commissioner Ostergren mentioned the property tax assessment agreement that was noted in their study. He wanted to know what the property taxes would be without that agreement and what the impact of that agreement would be on tax payers. Dustin Manternach, CFO, P2E, said for the property taxes themselves there is a \$50 million minimum assessment. He said they don't know exactly what it will be assessed at, could be a little bit higher. He said the property taxes would be split as they normally are between the county and the city. He said the additional payments to the city for the betterment fund would be in addition to the property taxes. Commissioner Ostergren asked if there was a cap. Mr. Manternach said no, there is no cap, if it's assessed higher they will pay that.

Commissioner Burkhart asked if the Point Partner Program had conversations with the local businesses and what their reaction was. Mr. Swain said the reaction has been positive. He said they first approached the City owned hotel as their project does not include a hotel so they plan to support the City owned hotel. He also referenced a couple of restaurants that are close to them. He said their goal over the next several months is to add several businesses to that and include the ma and pa shops. They want to make sure everyone has the opportunity to do this and so far, the reaction has been very good.

Chair Olsen thanked everyone for coming and thanked them for the presentation. He said they will see them again in November in Cedar Rapids. He said they will be accepting public comments and want comments. He promised the Commission would be extremely thorough and diligent as they work through this very long process to evaluate the information.

PUBLIC COMMENT: None

ADMINISTRATIVE BUSINESS: Ms. Eick advised this is the time of year when the reversion of license fees is announced. She stated the Commission will be reverting \$430,661.04 to the industry for FY 2024. Ms. Eick stated Prairie Meadows would be receiving a larger portion due to racing related costs.

ADJOURN: At 10:57 AM, hearing no further business to come before the Commission, Chair Olsen requested a motion to adjourn. Commissioner Ostergren so moved. Commissioner Campbell seconded the motion, which carried unanimously.

MINUTES TAKEN BY:


CHANTELLE S. ARMINTROUT

IOWA RACING AND GAMING COMMISSION

MINUTES

NOVEMBER 20, 2024

The Iowa Racing and Gaming Commission (IRGC) met on Wednesday, November 20, 2024 at The Hotel at Kirkwood Center in Cedar Rapids, Iowa for the purpose of touring the proposed casino site and receiving public comment. Commission members present were Daryl Olsen, Chair; Mark Campbell, Vice Chair, and members Amy Burkhart and Alan Ostergren. Commissioner Julie Andres participated telephonically.

APPROVE AGENDA: Chair Olsen called the meeting to order and requested a motion to approve the agenda as presented. Commissioner Campbell so moved. Commissioner Burkhart seconded the motion, which carried unanimously.

PUBLIC COMMENT: The Commission heard public comments from 105 individuals/groups. Of the 105 speakers, 66 were in favor of a casino in Linn County and 39 were opposed to it.

The following individuals spoke in favor or a casino:

Tiffany O'Donnell	Mayor of Cedar Rapids	Cedar Rapids
Mary Beth O'Neil	Four Oaks	Cedar Rapids
Tristan Harris	Double Tree	Cedar Rapids
Michelle Jensen	Rayser Holdings	Cedar Rapids
Ryan Evens	Local Business Owner	Cedar Rapids
Gregg Leurkens	Amana Society	Amana
Harry Weber	Self	Anamosa
Julie Kraft	Hawkeye Downs	Cedar Rapids
Tom Brown	Self	Cedar Rapids
Al Pierson	Pierson's Flower Shop	Cedar Rapids
Ryan Waller	City of Marion	Cedar Rapids
Chris Kramer	National Czech Museum & Library	Cedar Rapids
Mike Sadler	Cedar Rapids/Iowa City Building Trades	Cedar Rapids
Sami Sheetz	Self	Cedar Rapids
Jeff Cooling	Self	Cedar Rapids
Rick Moyle	Hawkeye Labor Council	Cedar Rapids
Allen Lerch	Self	Cedar Rapids
Ron Corbett	Former Cedar Rapids Mayor	Cedar Rapids
Anne Parmley	Linn County Gaming Association	Cedar Rapids
Greg Neumeyer	Robins Economic Development	Robins
Nate Kaeding	Kingston Yard	Cedar Rapids
Dain Brunscheen	Labors Local 43	Cedar Rapids
Ben Kinseth	Hospitality	Cedar Rapids
Jasmine Almoayged	Kirkwood Community College	Cedar Rapids
Russ Jaeger	Sheet Metal Workers Local 263	Cedar Rapids
Joe Ahmann	Companies	Cedar Rapids
Eric Christiansen	Zack Johnson Foundation	Cedar Rapids
Enzek Skouman	Self	Marion
Seth Gorman	Iron Workers	Cedar Rapids
Todd Bergen	Skogman	Cedar Rapids
Ryan Hanrahan	Mid American Aerospace	Cedar Rapids
Murphy McGrath	Self	Marion

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Lydia Brown	Midwest Equity Investments	Cedar Rapids
Tony McNealy	Local 81	Cedar Rapids
Bob Brown	Self/Modern Companies	Cedar Rapids
John Tursi	Boys & Girls Club	Cedar Rapids
Craig Montz	Miron Construction	Cedar Rapids
Lee Koelker	Self	Cedar Rapids
Allan Thoms	Self	Cedar Rapids
Scott Friouf	Self	Cedar Rapids
Doug Neuman	Cedar Rapids Metro Economic Alliance	Cedar Rapids
Steve Dodson	Mayor of Hiawatha	Hiawatha
Stacie Eastman	Eastern Iowa Health Carrier	Marion
Katie Hallman	Theatre	Cedar Rapids
Sam Nemer	Self	Cedar Rapids
Brian Cosgrove	Roofers 182	Palo
Royce Petersen	Carpenters Union of Eastern Iowa	Marion
Pat Cobb	Self	Cedar Rapids
Kristin Roberts	United Way of East Central Iowa	Cedar Rapids
Kyle Determan	Local 263	Cedar Rapids
Joe Sample	Local Social	Cedar Rapids
Luke Swanson	Local 125	Marion
Jamie Toledo	IA County Community Development	Cedar Rapids
Monica Vernon	Former City Council	Marion
Ann Elise Walsh	JDRF	Cedar Rapids
Jen Welton	City of Palo and LCGA Board	Cedar Rapids
Matt Resor	IBEW Local 405	Cedar Rapids
Keith Rippy	Area Ambulance	Cedar Rapids
Kristen Running Marquardt	Linn County Supervisors	Cedar Rapids
Bill Micheels	Cedar Rapids Economic Development	Cedar Rapids
Tony Zakeres	Local 669	Cedar Rapids
Barry Boyer	Self	Cedar Rapids
Charlie Rohde	Self	Cedar Rapids
London Morehouse	IBEW 405	Cedar Rapids
Heather Armstrong	Lucky's on 16th	
Liz Matheis	HEDCO	Hiawatha

The following individuals spoke against a casino:

Wes Ehrecke	IA Gaming Association	Clive
Danny Laudick	Mayor of Cedar Falls	Cedar Falls
Blake Hollis	Black Hawk Co. Farmer	Waterloo
Zachary Harnden	Iowans for Common Sense	Des Moines
Randy Walker	Self	Cedar Rapids
Quentin Hart	City of Waterloo	Waterloo
Eric Bertch	Lost Island Parks	Waterloo
Alex Dixon	DRA/Q Casino	Dubuque
Wendy Runde	Diamond Jo/Boyd	Dubuque
Mike Van Milligan	City of Dubuque	Dubuque
Rick Dickinson	Greater Dubuque Development	Dubuque
Molly Grover	Dubuque Chamber of Commerce	Dubuque
John Sutter	Travel Dubuque	Dubuque
Bobbi Earles	Communion Foundation of Dubuque	Dubuque
Kingsley Botchway	Black Hawk Gaming Association	Waterloo
Chad Manternach	Scott County Regional Authority	Bettendorf
Scott Naumann	Mayor Pro Tem City of Bettendorf	Bettendorf

Mary Audia	Washington Econ Development Group	Washington
Jeff Frost	Self	Gilbertville
Jonathan Sladek	Self	Cedar Rapids
Janice Woerner	Self	Cedar Rapids
Vern Jefferson	Meskwaki Nation	Meskwaki
Scott Sirois	Meskwaki Casino	Marshall
Jon Clough	Meskwaki Bingo Casino Hotel	Rancho Mission Viajoe
Dorothy deSouza Guedes	Self	Cedar Rapids
Katy Susong	Grow Cedar Valley	Waterloo
Stephanie Sexton	Washington County Riverboat Foundation	Ainsworth
Tavis Hall	Experience Waterloo Black Hawk County Supervisors	Waterloo
Jasmine Gaston	Mayor of La Porte City	La Porte City
Mike Matson	Mayor of Davenport	Davenport
Jean Dickson	Scott County Board of Supervisors	Davenport
Matt Mendenhall	Regional Development Authority	Davenport
Mark Lam	Self	Springville
Dave Herrell	Visit Quad Cities	Davenport
Dan Kehl	Elite Casinos	Riverside
Melissa Duffield	Self/Precision One Volleyball	Cedar Rapids
Tim Hurley	Black Hawk County Gaming Association	Waterloo
Jim Hauth	City of Kalona	Kalona
Chad Moine	Isle Waterloo	Waterloo

Following the public comments Chair Olsen called for a ten minute break.

PUBLIC COMMENT BY CEDAR RAPIDS DEVELOPMENT GROUP, LLC: Brent Stevens, Chairman, Peninsula Pacific Entertainment (P2E), said from listening to all the speakers, he concluded that everyone has a great deal of pride of being part of this industry. He said the Commission ensures that the business invests capital in this industry and there is a reasonable expectation of return on that investment. Suffice to say that that has been achieved here in Iowa. Return on investment of existing operators has in fact happened.

Mr. Stevens said competition does exist. It always has existed and it always will, both in the state and neighboring states. Competition doesn't hurt an industry it strengthens the industry and creates innovation. When new projects enter the landscape, such as Cedar Crossing, existing operators are motivated to innovate, invest and improve. When facilities enhance events and entertainment options it increases customer awareness, increases gaming revenue and increases QSO participation. Mr. Stevens gave two examples of this: Grand Falls approved in 2011 and Wild Rose Jefferson approved in 2014. In both of those cases enormous concern about cannibalization existed during the application process. Grand Falls was projected to get 27% of its revenue from existing operators. Wild Rose Jefferson was projected to get 78% of its revenue from existing operators. Yet both projects were approved and competition spurred investment and growth. Neighboring casinos around Grand Falls experienced revenue increases after it opened. Wild Rose Jefferson's primary competitor rebounded from a slight dip to a 10% revenue growth, three years out. Cedar Crossing isn't just about building one property it's about fostering a thriving dynamic gaming industry. Success breeds success. Mr. Stevens thinks Cedar Crossing will elevate the game for everyone.

Mr. Stevens then touched on the Qualified Sponsoring Organizations (QSO). He said they heard the concerns about the QSOs and they don't take that lightly. They believe contributions to those QSOs will dip a little but the overall QSO will grow by about 50% from about \$10,000,000 to over \$15,000,000 when you factor in Cedar Crossing. Nebraska is in the midst of significant growth, so competition exists. To remain competitive Iowa must continue to invest, not just internally but against this outside competition. Competition is good for the State of Iowa.

Mr. Stevens ended by saying Cedar Rapids is the second largest city in the State. They are hoping to invest \$275 million to build a couple dozen table games, several hundred slot machines and an enormous amount of non-gaming amenities. They are looking forward to having the opportunity to move forward with this project, this is their legacy. They believe in what they're saying, they've been at it for over a decade, they thank the Commission for giving them the opportunity to come before them and they look forward to the next steps.

COMMISSION QUESTIONS TO CEDAR RAPIDS DEVELOPMENT GROUP, LLC:

Commissioner Ostergren asked about the STEM Lab. He wanted to know how that would work with unattended minors. He said one person's amenity could be another person's opportunity to drop their ten year old off and go gamble and this could become a daycare for parents. Commissioner Ostergren said walk us through what policies and procedures are going to be in place to alleviate that concern.

Todd Moyer, Chief Marketing Officer for P2E, said they would not allow unattended minors to be in the STEM Lab without parents, guardians or teachers if it was a school event. It's a turn-stile entrance so they don't anticipate this being an issue and there is no way for the minor to get from the STEM Lab to the gaming floor. Commissioner Ostergren responded and said his concern was not that a minor would get to the gaming floor from the STEM Lab but rather a parent would drop a minor off at the STEM Lab to go gamble and he doesn't feel that is what they want happening at one of their facilities. Mr. Moyer responded and said to be clear they would not allow unattended minors to access the STEM Lab without a parent, guardian or teacher.

Commissioner Ostergren mentioned that a Petition for Declaratory Order has been filed and all sorts of processes need to happen for that. He said that their project includes a letter of financing commitment that is dated prior to this claim being made. His concern is that the lender might reconsider the financing. He said they don't need to answer today but he would feel more comfortable having a new letter that says notwithstanding this legal concern they are prepared to move forward with financing recognizing a final decision from the court might not be answered for weeks or months. He wants assurance that the financing will move forward or be committed notwithstanding the existence of this claim. Mr. Stevens said they would be happy to provide that, no problem.

Commissioner Burkhardt asked for them to walk us through their decision to orient the land the way that it is with the front door facing the neighborhood rather than facing downtown. Kim Pang, Vice President of Development for P2E, said they worked with the city on their master plan for the city and specifically that area and they wanted something more urban friendly. The decision to put the front door where it is was a joint decision with the city.

Commissioner Burkhardt then asked what communication has been like with the neighbors there, particularly where the property would face. Also, what light pollution concerns from them have been considered. Mr. Pang said they haven't had any formal meetings yet with the community other than walking around. They do plan to have more formal meetings coming up as part of the next process. Mr. Pang then said that their project is designed to make sure the lights don't reflect off and keep the lights down.

Commissioner Burkhardt then asked about flood mitigation and what parts of the project this affects. Mr. Pang said there is a 78 inch storm water sewer pipe that runs through the property so they have had to work with the city to make sure that's properly located and provide the easement. Commissioner Burkhardt asked if that existed regardless of this property. Mr. Pang said the pipe exists currently but they will need to provide the easement and move it if it needs to be moved.

Commissioner Campbell asked who is taking ownership and maintenance of the levies near the river. Mr. Pang said the levy is the city's responsibility. He also said he forgot to mention that they are raising the entire building 6-7 feet out of the flood zone to make sure it complies.

Commissioner Campbell then asked about the decision to not have a hotel. Aaron Gomes, President of P2E, said when they first started this project over a decade ago, they talked to a lot of the stakeholders and a lot of the feedback they got was that they didn't want this to be an island, people come in and not leave. They wanted them to be part of the community. So, they decided they wouldn't do it and they wouldn't do it in the future unless the city or the Commission asked them to do so.

Chair Olsen commented on the traffic in and out of the property. He commented that it wasn't the worst, but not the easiest. He wanted to know what changes there would be during construction and after construction. An engineer with the City of Cedar Rapids, said they just finalized the traffic flow based on a new study. He said the existing traffic will be offset, and there have been some traffic improvements that have been contemplated. Specifics such as round-a-bouts and signaling have not been engineered yet, as there is a lot that needs to be approved by the City.

Chair Olsen then said from an insurance standpoint, being in a flood zone creates some issues. He asked if that mitigates any concerns on insuring it. Dustin Manternach, Chief Financial Officer of P2E, said he if they get it raised out of the flood zone, it won't create any problems for them getting it insured.

ADJOURN: Hearing no further business to come before the Commission, Chair Olsen requested a motion to adjourn. Commissioner Campbell so moved. Commissioner Burkhardt seconded the motion, which carried unanimously.

MINUTES TAKEN BY:


CHANTELLE S. ARMINTROUT

IOWA RACING AND GAMING COMMISSION

MINUTES

NOVEMBER 21, 2024

The Iowa Racing and Gaming Commission (IRGC) met on Thursday, November 21, 2024 at Catfish Bend Casino in Burlington, Iowa. Commission members present were Daryl Olsen, Chair; Mark Campbell, Vice Chair, and members Amy Burkhart and Alan Ostergren. Commissioner Julie Andres participated telephonically.

APPROVE AGENDA: Chair Olsen called the meeting to order at 8:30 AM and requested a motion to approve the agenda as presented. Commissioner Campbell so moved. Commissioner Burkhart seconded the motion, which carried unanimously.

APPROVE MINUTES: Chair Olsen requested a motion to approve the minutes from the October 3, 2024 Commission meeting. Commissioner Burkhart moved to approve the minutes as submitted. Commissioner Campbell seconded the motion, which carried unanimously.

WELCOME: Rob Higgins, General Manager, welcomed everyone to Catfish Bend and thanked their non-profit and a number of employees that attended the meeting. He said the strength of a business is its people. In November they celebrated 30 years and in December, Fun City will be celebrating 20 years. Mr. Higgins said they are very proud of what they have done. He said they have taken the time, spent the money, and tried to transform who they are. He said they have 385 employees that he is very proud of and 450 investors. He then showed a video that was created by their marketing group that showed the history of the property from when it was a riverboat and then moved to its current landside location. Mr. Higgins thanked the Commission and staff for joining him on a tour the prior evening after a long day in Cedar Rapids.

Commissioner Burkhart commented that Burlington is her home town and she is very proud of Catfish Bend and it is a great place for the community. She thanked Mr. Higgins and staff for making her home a special place.

ANNOUNCEMENTS: Tina Eick, Administrator of IRGC, introduced Catfish Bend Gaming Representative, Erica Worrall, and thanked her for all of her hard work and dedication.

Ms. Eick advised there is no meeting in December. The next scheduled Commission meeting will be held on January 23rd at Wild Rose Hotel & Casino in Jefferson, IA. The submission deadline for this meeting will be January 8th. Following that meeting there will be a special meeting on February 6th at Prairie Meadows in Altoona, IA.

RULES: Tina Eick presented a Notice of Intended Action for the Commissioner to consider. She said last year the Commission went through the rule making process and although there are good rules in place, Commission staff sought to make those rules even stronger. The Administrative Rules Review Committee at the legislature had some questions with some of those rules so several of the items in the packet were put on legislative hold through the 2025 legislative session. Staff went back to work, engaged various stakeholders, and came up with a new package. A public

hearing was held on this package November 6th and Wes Ehrecke from the Iowa Gaming Association attended that meeting and provided full support on behalf of the industry regarding the revised packet. DraftKings also submitted a letter of full support for the proposed rules. John Cacciatore was also present on behalf of the Sports Wagering Alliance, and he submitted some comments to be considered on behalf of his client, BetMGM. There is another public hearing scheduled for January 2nd. After that, staff will again review and consider all the comments and make any proposed changes at that time, and then present these rules to the Commission at the January meeting for final adopt. Ms. Eick indicated this stage of the rules process is just a request for the approval of the Notice of Intended Action.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the Notice of Intended Action. Commissioner Campbell seconded the motion, which carried unanimously.

DIAMOND JO WORTH, LLC: Scott Smith, General Manager, presented their request for approval of the remodel of their hotel. He said this is a continuation of the transformation of the property to be modernized and fresh for their guests.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the remodel request as presented by Diamond Jo Worth, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

DUBUQUE RACING ASSOCIATION, LTD.:

Request for Approval of Revised Security Plan: Alex Dixon, President and CEO, presented a request for approval of the revised security plan. He said the security plan had been updated to reflect changes do to the addition of their all ages Island Social. Changes were made to increase minimum staffing for the security team during peak hours of operation. They are building an all ages venue and they are excited to bring that about.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the revised security plan as presented by Dubuque Racing Association, Ltd. Commissioner Campbell seconded the motion, which carried unanimously.

Request for Approval of Development Agreement with City of Dubuque: Mr. Dixon presented the development agreement that will allow them to redevelop the land where the Greyhound racetrack was into a Pinseekers venue.

Chair Olsen said that staff has reviewed the development agreement and saw nothing that they were concerned with.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the Development Agreement with the City of Dubuque as presented by Dubuque Racing Association, Ltd. Commissioner Burkhardt seconded the motion, which carried unanimously.

HGI – LAKESIDE, LLC: Dave Monroe, General Manager, presented a revised security plan. He said the enhancements that were made were focused on severe weather evacuation procedures for the property. He said the changes specifically address barricading access to the casino using their new turnstiles, where the arms would be locked in a closed position.

Commissioner Burkhart commented that these revisions came after the facility experienced a severe weather event. Mr. Monroe said that is correct. The facility experienced a couple events in the past that they have learned from.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the revised security plan as presented by HGI – Lakeside, LLC. Commissioner Burkhart seconded the motion, which carried unanimously.

CASINO QUEEN MARQUETTE, INC.: Robin Corbeil, General Manager, gave an update on the remodel process. She said they have looked at all of the kitchen equipment and what they need to get. They have the menus picked for the food venues and are working on uniforms. They have teams on property for surveillance and IT just to see what they need so that can be built into the plan. She said that is what some of the hold up is, because they need to adjust those plans to include these things. She said they are starting excavation December 2nd. The electrical and HVAC contracts have been approved so they will be awarding those. Ms. Corbeil said they will also be building a covered walkway to walk up to the East entrance so that customers aren't getting rained and snowed on during the construction of the new facility.

Commissioner Campbell said that his concern is that a lot of these things have been awarded but to say we are starting in December is a little concerning. The project was approved a year and half ago. He asked if they have an updated completion date. Ms. Corbeil said with the work starting on Dec 2nd, they should be updating that and she should be able to provide the Commission with an updated completion date by the end of the month. Commissioner Campbell said we all understand the challenges with starting a project in December in Iowa. Ms. Corbeil said she understands and the contractors assured her that the concrete method they are using will ensure they are able to work all through winter.

Commissioner Burkhart said she had a question directed to staff. There was a specific action taken to approve the move of this facility to land with an anticipated completion date of December 2024. Ms. Burkhart wanted to know if they are able to issue a license in March to a riverboat if they approved it to be land based? Ms. Eick asked David Ranscht, general counsel for IRGC, to research and get an answer back to the Commission.

Chair Olsen asked that an item be added to the agenda for January again so the question can be addressed before licensing. He said the Commissioners are all excited to make this happen but they would like to see some action.

IOWA GAMING ASSOCIATION: Wes Ehrecke, President and CEO, presented the Commissioners with a couple of handouts that show the \$354 million of tax revenue that gets distributed and allocated. It also shows all of the amenities that each of these facilities have and what this industry provides. He said they distribute these handouts to the legislators and others to show the great impact gaming has on the state of Iowa.

PRAIRIE MEADOWS RACETRACK AND CASINO, INC. D/B/A PRAIRIE MEADOWS RACETRACK AND CASINO:

Application for Pari-Mutuel License and Granting of Race Dates; Racetrack Enclosure Gambling License, and Sports Wagering License for January 1, 2025 through December 31, 2025. Year-round simulcasting was requested with the exception of December 24 and 25.: Gary Palmer, General Manager, introduced Derron Heldt, Director of Racing. Mr. Heldt said they have submitted some additional information to the Commission regarding their license renewal. He said they have signed an agreement with the thoroughbred racing association for one year and signed a one year contract for the quarter horses. He said they also submitted a calendar that represents what they are going to do next year for the 2025 race season.

Commissioner Burkhardt said the Commissioners have been receiving some updates from Ms. Eick regarding the progress that is being made towards adopting some of the principles from the recent horse racing study. She asked that they share that so everyone is aware of any progress made relative to the study.

Mr. Heldt responded that they have had a series of three meetings where at the first one, Prairie Meadows presented the race calendar for 67 days. There was a lot of discussion about that calendar and it was not approved. Tom Lepic made a suggestion for four fewer days which sparked a lot more discussion; however, it was decided to move forward with status quo as the Commission meeting was coming up and they didn't know if they had time to get some of those recommendations in place. At the following meeting they came forward with a calendar of 67 days of thoroughbred racing and 16 days of quarter horse racing. That calendar was also not approved and led to even more discussion. By the third meeting, they were able to go back to the 80 day calendar, and Prairie Meadows agreed to that. Mr. Heldt said as they move forward they will have monthly meetings throughout 2025 to discuss some of the recommendations that were made. They plan to keep a matrix, measure outcomes and discussion points and try to find a consensus.

Chair Olsen stated the reason they asked for the study wasn't to put pressure on Prairie Meadows or any of the horse groups, but instead to make horse racing in Iowa better and try to help as they want to see horse racing continue into the future. He said one of the concerns that came from the study was the starts per race. He asked them to refresh his memory on how 2024 compared to 2023 in regards to starts per race.

Mr. Heldt responded that he thinks they averaged 6.33 in 2023 and in 2024 they averaged 6.29. He said going forward with the 80 days for next year, he is unsure if there will be any improvement in those numbers.

Chair Olsen said that if the trend continues into 2025, it would be difficult for the Commission to approve a status quo. He asked if it would be fair to say if trends continue, some of these issues would be addressed.

Mr. Heldt said that from the recommendations that were made, there are some that could maybe be put in place this coming year. He said they have talked to the breed groups to see if they could make some improvements on the breed side. He also said that they also started conversations about establishing a circuit with several tracks in other states. From what he's heard that would be impossible to do for 2025, but possibly could be implemented in 2026. He said they will continue to talk about some of these suggestions and build on them.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell said he appreciated all the time and hard work that has gone into this and hopes they can utilize some of the changes addressed in the horse racing study. Commissioner Campbell then moved to approve Prairie Meadows Racetrack & Casino, Inc.'s Application for Pari-Mutuel License, Racetrack Enclosure License and Sports Wagering License for January 1, 2025 through December 31, 2025, grant race dates as submitted in the amended application, approve the one year agreements with the thoroughbred association and the quarter horses association, and approve the facility's revised security plan with the following conditions: The export contracts must continue to have the review and approval by staff to ensure regulatory compliance. The import contracts must continue to be available on demand to staff to ensure regulatory compliance. All marketing promotions that may affect live racing, particularly the racing schedule and post times, shall have prior approval from the IRGC. Commissioner Ostergren seconded the motion, which carried unanimously.

Advance Deposit Wagering (ADW) Operator Agreements: Mr. Heldt presented four agreements with a one year renewal.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the agreements as presented by Prairie Meadows Racetrack and Casino Inc. d/b/a Prairie Meadows Racetrack and Casino. Commissioner Burkhart seconded the motion which carried unanimously.

Contracts: Mr. Palmer presented the following contracts for Commission approval:

- AJR Equities – Promotional Items
- American Express – Corporate Credit Cards for Travel Purposes (OSV)
- American Wagering (Caesars Sports Book) – Banking Support
- Armstrong Systems & Consulting – Prairie Gold Club Cards & Printers
- Asset Management (USA Security) – Surveillance Products & Services
- Bankers Trust Company – Line of Credit

- Brewer Meats (Midwest Quality Wholesale) – Meat Supplier
- Capital Sanitary – Housekeeping Supplies
- Chesnut Sign – Sign Manufacture & Installation
- Competitive Edge – Promotional & Advertising Items
- Core Mark (Farner Bocken) – Food Products
- Deloitte & Touche – Audit & Consulting Services
- Delta Dental of Iowa – Employee Dental Insurance
- Doll Distributing – Beer Distributor
- EMC Risk Services – Workers Compensation Insurance
- Global Spectrum – Advertising – Wells Fargo Arena/Caseys Center
- Graphic Controls – Slot Game Tickets (OSV)
- Iowa Beverage Systems – Beer Distributor
- Iowa Des Moines Supply – Food, Beverage and Housekeeping Supplies
- Johnson Brothers – Wine Distributor
- Kone Inc. – Elevator & Escalator Maintenance
- Loffredo Fresh Produce – Food Products
- Lowes Companies – Building Supplies
- Microsoft Licensing – Volume Licensing of Microsoft Software (OSV)
- Nalco Company – Water Treatment Chemicals & Equipment
- Renewable Energy Group (Keck Fuels) – Fuel Purchases
- RJ Kool Company – Ironer/Folder/Stacker System for Laundry Areas (OSV)
- Roberts Communications Network (RCN) – Simulcast Communications & Audio/Visual/Data and Archiving (OSV)
- Rotellas Bakery – Bread Products
- RSM US LLP (McGladrey) – GP Dynamics Accounting Software & Support
- Schumacher Elevator Company – Elevator Maintenance
- Skinner & Paschke – Lobbyist Related Activities
- State of Iowa (Iowa Alcoholic Beverages) – Liquor Products
- The Paper Corporation (First Choice) – Paper & Housekeeping Supplies
- The Printer Inc. – Printing Services
- Trane US (Des Moines Trane) – HVAC Equipment & Service
- Tri Mark – Hockenbergs Equipment – Foodservice Equipment & Supplies
- Van Wall Equipment (Farmers Supply) – Track & Grounds Equipment
- Vestis Services (Aramark) – Table Linen Services
- Wellmark Blue Cross Blue Shield – Employee Medical Insurance
- Ziegler, Inc. – Maintenance Equipment

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt said she never likes to see these long term contracts, however when 96% of the 41 contracts are with Iowa vendors, she is happy to approve them. Commissioner Burkhardt moved to approve the contracts as submitted by Prairie Meadows Racetrack and Casino, Inc. Commissioner Campbell seconded the motion, which carried unanimously. Chair Olsen stated they definitely take Iowa first seriously, and it is appreciated.

CONTRACT APPROVALS (OSV – OUT OF STATE VENDOR; RP – RELATED PARTY):

Diamond Jo Worth, LLC.: Mr. Smith presented the following contracts for Commission approval:

- Bloom Lighting – Custom Hospitality Lighting (OSV)
- Conference Technologies, Inc. (CTI) – A/V System IP Video Distribution System
- Pierpoint – Textiles, Area Rugs and Accessories (OSV)
- TLC Hospitality DBA University Furnishings – Hospitality Furnishings (OSV)

Mr. Smith said three of the four contracts are geared toward the hotel remodel that is coming up. He said these three are out of state vendors. Boyd Gaming not only transforms Diamond Jo Worth but also other properties and therefore they have a brand standard they like to keep as a company. He said as they engage with the general contractor that will do the work, they provide them with those brand standards and have them try to source Iowa vendors. Mr. Smith said Diamond Jo Worth has a history of 97-98% of Iowa spend and they plan to do the same this year. He commented that he would love nothing more than to have a database of Iowa vendors that want to be a part of transforming the gaming facilities where they can go to see what vendors are available in Iowa.

Commissioner Burkhardt said she understands there are times where buying Iowa first is not an option for various reasons, but the concern with these particular contracts is there were no bids with Iowa vendors to give them a chance. She said maybe they've done this, and it's not reflected on the paperwork, but without seeing the comparisons, it's concerning. Commissioner Burkhardt asked him to comment on the efforts that were made to compare the company's brand standards to any Iowa vendors.

Mr. Smith said it is a specific design. His team engaged with their general contractors and asked them to go find similar opportunities. He said maybe they didn't accurately provide all the information. They could find the same products but with the markup it was not cost effective.

Commissioner Burkhardt said the Commissioners are all looking forward to the refresh but in the future having hard bids, not just conversations, to show us that Iowa vendors were given the opportunity and came in higher due to markups would help with these contract approvals.

Commissioner Campbell said the problem is Mr. Smith is coming up after two other licensees who epitomized the Buy Iowa First process. He said he understands going straight to the source to save money, but they want to support Iowa vendors as much as possible. Mr. Campbell said in the future having something to support their decision to not use Iowa vendors would be helpful.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contracts as submitted by Diamond Jo Worth, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

Dubuque Racing Association, Ltd.: Mr. Dixon presented the following contracts for Commission approval:

- Aramark – Linen Service
- Capital Sanitary Supply – Janitorial and Paper Supplies
- Everi Payments – Cash Advance Processing Agreement and ATM Service Agreement (OSV)
- Guest Supply – Vendor for In-Room Guest Supplies per Hilton Brand Standard Specifications (OSV)
- Lime Rock Springs – Beverage Service
- Lincoln Financial Group C/O C&B Insurance – Employee Life, AD&D and STD Insurance Management Group
- Performance Food Group – Grocery and Food Service Purchases
- Pinseekers RE, LLC – Sublease of Land to Construct Pinseekers Facility (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the contracts as submitted by Dubuque Racing Association, Ltd. Commissioner Campbell seconded the motion, which carried unanimously.

IOC Black Hawk County, Inc.: Chad Moine, Senior Vice President and General Manager, presented the following contracts for Commission approval:

- Element Construction Services, Inc. – General Construction
- Mediacom – Cable and Internet Provider

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as submitted by IOC Black Hawk County, Inc. Commissioner Ostergren seconded the motion, which carried unanimously.

Ameristar Casino Council Bluffs, LLC: Paul Czak, General Manager, presented the following contracts for Commission approval:

- Cummins Allison Corp – New Countroom Counting Machine
- Eakes Inc. dba Eakes Office Solutions – Copy Machine and Printer Supply and Maintenance (OSV)
- Edwards Chevrolet Cadillac Inc – Vehicle Purchase

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by Ameristar Casino Council Bluffs, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

Wild Rose Clinton, L.L.C.: Rick Gilson, Vice President of Operations for Wild Rose Casinos, presented a contract with USA Security for Surveillance Equipment, for Commission approval.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contract as submitted by Wild Rose Clinton, L.L.C. Commissioner Ostergren seconded the motion, which carried unanimously.

Wild Rose Jefferson, L.L.C.: Mr. Gilson presented a contract with Empower Retirement as an Administrative & Technology Services Vendor for Northwest Bank (OSV) for Commission approval.

Commissioner Burkhart thanked Mr. Gilson for the explanation on this for the use of the out of state vendor. Mr. Gilson said he is happy about this one because it is a clear indication that their employees are contributing more to their 401K's. Commissioner Campbell said just so everyone knows what they are talking about, this contract is 100% out of state, however, this contract is with Northwest Bank and they have branches all over the state of Iowa.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contract as submitted by Wild Rose Jefferson, L.L.C. Commissioner Ostergren seconded the motion, which carried unanimously.

Casino Queen Marquette, Inc.: Ms. Corbeil presented a contract with Andrew J. and Katherine M. Torkelson for a Real Estate Sale to the Torkelson's, for Commission approval:

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contract as submitted by Casino Queen Marquette, Inc. Commissioner Burkhart seconded the motion, which carried unanimously.

Diamond Jo, LLC: Wendy Runde, General Manager, presented a contract with Conlon Construction for a Patio Renovation, for Commission approval:

Chair Olsen asked Ms. Runde to walk him through what exactly they are doing with the patio renovation. Ms. Runde said today they have a concrete paver system on the second floor around the event space. She said the membrane under those pavers has pulled away causing leaks. They are in the process of removing the pavers. She joked that the leaks have intermittently made their fine dining steakhouse into a bad version of a rainforest café. This is an attempt at a very expensive solution.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contract as submitted by Diamond Jo, LLC. Commissioner Burkhart seconded the motion, which carried unanimously.

HGI – Lakeside, LLC: Mr. Monroe presented the following contracts for Commission approval:

- Embark IT, Inc – Audio System
- Everi Payments Inc – Provides 3rd Party Electronic Access to Cash and/or Credit for Patrons (OSV)
- Performance Foodservice – Food & Supplies for Kitchen
- Terrell Taylor dba CSSI – Installation & Cable (Fiber Optic) for Surveillance and Maintenance

- The Printer Inc – Printing Costs Related to Marketing Mailers

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contracts as presented by HGI – Lakeside, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

Grand Falls Casino Resort, LLC: Sharon Haselhoff, General Manager, presented the following contacts for Commission approval:

- Video Security Specialists – Surveillance Equipment & Install (OSV)
- United States Postal Service – Direct Mail Marketing Postage

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the contracts as presented by Grand Falls Casino Resort, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

SCE Partners, LLC: Doug Fisher, General Manager, presented a contract with Sioux City Compressed Steel Co. for disposal of slot chairs, table games and chair bases (RP) for Commission approval:

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contract as submitted by SCE Partners, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

Riverside Casino and Golf Resort, LLC: Damon John, General Manager, presented the following contacts for Commission approval:

- Cintas Corporation – Casino Uniforms
- Elite Casino Resorts, LLC – Goods and Services Cost Allocations (RP)
- MedOne Healthcare Systems – Prescription Drug Benefit Plan
- Office Express – Office and EVS Supplies
- Principal Financial Group – Plan Record Keeper/Custodian
- U.S. Foods – Food Purchases
- Video Security Specialists – Surveillance Equipment & Install (OSV)
- Zurich North America – Insurance-Workers' Comp & General Liability (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contracts as presented by Riverside Casino and Golf Resort, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

Harveys Iowa Management Company LLC: Thomas Roberts, General Manager, presented the following contacts for Commission approval:

- DH Pace – Installation of New Exterior Garage Doors
- MMC, Mechanical Contractors, Inc. – Mechanical Contractor, Changing Out Rooftop HVAC Units

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as presented by Harveys Iowa Management Company LLC. Commissioner Burkhardt seconded the motion, which carried unanimously.

Iowa West Racing Association d/b/a Horseshoe Casino Council Bluffs: Mr. Roberts presented the following contacts for Commission approval:

- Aroi Asian Cuisine LLC, dba Aroi Asian Cuisine – Reimbursement for Complimentary Meals for Guests
- DH Pace – Installation of Exterior Garage Doors
- MMC, Mechanical Contractors, Inc. – Mechanical Contractor, Changing Out Rooftop HVAC Units
- VSR Industries – Slot Bases and Locks (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as presented by Iowa West Racing Association d/b/a Horseshoe Casino Council Bluffs. Commissioner Ostergren seconded the motion, which carried unanimously.

HEARINGS:

Riverside Casino and Golf Resort, LLC: Ms. Eick advised Riverside Casino and Golf Resort, LLC and Commission staff had entered into a Stipulated Agreement for a violation of Iowa Code § 99F.9(5) (Minor). On August 12, 2023 a minor approached the turnstile at the main casino entrance with an adult companion. Surveillance showed the minor walked past the posted security officer who failed to request identification, which allowed the minor to enter the gaming floor unchallenged. The minor was on the gaming floor for thirty-three minutes and gambled at three different slot machines.

Later that day an off-duty employee of Riverside Casino contacted the surveillance department to report that an underage person she knew had posted on social media a video of herself on the Riverside Casino gaming floor earlier that morning. Surveillance conducted a review and verified this was true and in addition to being on the gaming floor from 3:03 am-3:40 am, the minor had also approached the main entrance turnstile prior to that at 2:27 am. When asked for identification the minor provided an expired driver's license. When asked for another form of identification the minor provided a passport that belonged to someone else who had presented the same passport three minutes earlier at the same entrance but to a different security officer. During this time, the minor was on the gaming floor for thirty-seven minutes and gambled at four different slot machines.

Mr. John commented that at Riverside Casino they know gaming is a privilege and they take it very seriously. They regret having an incident like this and have taken actions to fix it. He said this was a complex situation and the expired ID was refused. He said that since the ID was expired though, when the minor presented the passport the security officer should have called over a manager. He commented that this is a training opportunity for situations such as this. He also said

that every time a patron leaves the gaming floor, they should be required to present identification each time they re-enter to try to stop situations such as this.

Commissioner Campbell asked Mr. John if he knew of any charges that were brought against the minor for this incident. Mr. John responded that the minor was charged with using a fraudulent ID.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the Stipulated Agreement with an administrative penalty of \$20,000. Commissioner Campbell seconded the motion, which carried unanimously.

Wild Rose Jefferson, LLC.: Ms. Eick stated that Wild Rose Jefferson, LLC and Commission staff had entered into a Stipulated Agreement for a violation of Iowa Code § 99F.9(5) (Minor). On November 25, 2023, a facility employee experienced a medical emergency which captured some surveillance and security resources for approximately 25-30 minutes. 911 was called, first responders attended to the employee and the employee left by ambulance. During this time security stopped a group at the main entrance turnstiles. While the security officer was checking the identification of the group, two underage females from the group decided to bypass the line and enter the gaming floor without showing identification. Surveillance observed both females did not present identification and appeared young. They began attempting to locate the females on the gaming floor.

After 25 minutes on the gaming floor one of the females was located and asked for identification which showed she was a minor and escorted off the gaming floor. She did not gamble while on the floor. The other female was on the gaming floor for 54 minutes, consumed one alcoholic beverage that a friend handed her, and did not gamble.

Mr. Gilson said that he is always disappointed when they have a failure and something like this happens. He said they have a number of procedures in place so things like this don't happen. He said Wild Rose Jefferson is a very modest facility and the staff is very close, so when one employee faints and goes down, it affects everyone and therefore the staff was not focused on what they should have been focused on. Mr. Gilson said in this particular case, they had about a dozen people come in at the same time, all of who appeared to be underage. While the security officer was checking identification, two individuals snuck in.

Mr. Gilson said he is disappointed that it took 25-55 minutes to find two people on the gaming floor as it should have never taken that long. He said they have talked through this with staff and hope that never happens again. He said he was also disappointed that the security officer failed to take a picture of the ID to make sure the person was underage and they did not call the Jefferson police department. This security officer is no longer employed for other reasons, not this particular incident.

Mr. Gilson stated this incident took place over a year ago and he wished it could have been handled at the April or June meeting. He said if he is going to be given a \$20,000 fine, he would like to

talk to the staff about it so they take it seriously. He said he has lost a year of training with his staff.

Ms. Eick said this was a valid point, however, there is an initial incident report that is done within 60-90 days, so that would have been a great time to follow up with staff regarding the incident.

Commissioner Campbell asked how the employee that had the medical emergency is doing. Mr. Gilson said they found out he had some underlying medical issues going on and he is now on medication and doing much better now.

Commissioner Burkhart said this is one with all the extenuating circumstances she doesn't really like that we have a standard \$20,000 fine, but does understand this is a standard violation. The Commissioners do empathize and appreciate the detailed explanation. They will certainly have follow-up conversations with Commission staff about the length of time between initial incident reports and Commission review of referrals.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the Stipulated Agreement with an administrative penalty of \$20,000. Commissioner Ostergren seconded the motion, which carried unanimously.

PUBLIC COMMENT:

Mark Weinhardt, Attorney with Weinhardt Law Firm representing Riverside Casino and Washington County Riverboat Foundation, stated that he misread the agenda and simply signed up to place something on record if they felt necessary based on what the Commission does on the administrative item 15C of the agenda. He said he would like the opportunity to make a comment later on after that agenda item.

Ms. Eick said that following an informal conversation the day before, she thought an agreement was made at that time that there would not be a public comment by the parties at today's meeting.

Mr. Weinhardt said he understood there wouldn't be a discussion during item 15C, but he wanted the opportunity to make a record if he believes legal error has been committed. He said he didn't know what the Commission was going to do but he would like the opportunity to say something if he felt necessary.

Ms. Eick said the public comment section of the agenda is in the same place it always is, before administrative business. She then turned it over to Mr. Ranscht, who said he believes it is the Chair's discretion to allow deferred public comment following agenda item 15C.

Chair Olsen said yes in this situation they will allow it, only if there is an error. He said they are not looking for any other public comments at that point in time.

Guy Cook, legal counsel with Grefe & Sidney, P.L.C. representing Cedar Rapids Development Group, said he wished to make no public comment now consistent with the agenda and the rules

for the meeting, including the rules for public comment which provide they are not intended to discuss debatable issues. He said they have no comment to make now, should there be additional opportunities, they will preserve that.

Christopher Jones, legal counsel with Shuttleworth & Ingersoll, P.L.C. representing Linn County Gaming Association, said he is withdrawing his request for public comment at this time. He just asked for an opportunity to speak following Mr. Weinhardt's comments.

Mr. Higgins, made a public comment that he needed to recognize Sara Huston, hotel director. He said it was hypocritical of him to not introduce her at the beginning of the meeting. He said he will take all criticism for the hotel, but she deserves the credit.

ADMINISTRATIVE BUSINESS:

Report on 2025 Horseracing Integrity and Safety Authority (HISA) Financial Assessment: Ms. Eick stated the Commission received its assessment from HISA at the beginning of November and it has been shared with all the stakeholders in the industry. The assessment for 2025 is \$1,528,004 and with credit for the services the Commission provides, it is expected to be reduced to \$1,126,404. Last year's assessment was just shy of \$1.2 million and with the credit it came to just over \$800,000. There have been significant increases this year. The decision before the Commission is whether to opt in or out of the voluntary assessment from HISA. The Commission does not have the funds or the appropriation to pay for that assessment out of its budget. Therefore, it would be staff's recommendation to opt out of the assessment. The option, if the Commission does not pay that assessment, is to enter into a voluntary agreement to get a credit for the services the state does provide. Staff's recommendation, therefore, is to enter into that voluntary agreement and task staff with negotiating that agreement. Ms. Eick noted one other item, because of the HISA regulations and additional requirements that staff, particularly state veterinarians have to do under HISA, there will be an increased cost because of that in the IRGC's budget.

Jon Moss, Executive Director of Iowa HBPA Inc., stated he was making himself available for any additional questions they might have. He said they have done this in the past, but when it comes to this particular issue, it's a little more complex than others. He said he would offer up an update regarding federal litigation challenging HISA.

Chair Olsen said the status of the litigation probably doesn't affect how the Commission needs to address this agenda item. He said he understands the frustration but it's a large increase for one year when he doesn't believe that there has been much change in the services.

Mr. Moss said the point of the update is to make everyone aware as they go into this agreement that they believe the Supreme Court will take up this case. He said they hope to have a hearing in April and will have a judgement by the end of June. He said hopefully he hopes they will have a little bit of finality in regards to this, but he is not sure it's something the Commission is supposed to take into consideration when entering into this agreement. He said HISA might not be enforceable by the end of June this coming year, so asked them to be please be knowledgeable of that.

Commission Burkhardt asked Ms. Eick what the deadline was to enter into the voluntary agreement or not. Ms. Eick said typically they have done that in January, but that is not a hard deadline. She said as a practical matter, we start bringing staff on in April and start racing in May, so they need to have something in place at that time or some understanding of who is doing what.

Commissioner Ostergren stated that he doesn't think there is anything going to happen with that litigation that is going to affect what they have to decide on for the 2025 racing season.

Ms. Eick stated that she believes the industry would agree that if someone has to do the work they would prefer that IRGC be the one to do it and she feels it is beneficial to the industry to have IRGC do it.

Commission Burkhardt moved to opt out of the financial assessment for HISA for 2025. Commissioner Campbell seconded the motion, which carried unanimously.

Consideration of Extension of Voluntary Implementation Agreement among the Horseracing Integrity & Safety Authority, Inc., Horseracing Integrity & Welfare Unit and the Iowa Racing and Gaming Commission: Commissioner Burkhardt moved to direct staff to attempt to enter into an agreement with HISA to utilize Commission resources in an effort to obtain the maximum credit available for Iowa stakeholders to cover the 2025 assessment. Commissioner Campbell seconded the motion, which carried unanimously.

Petition for Declaratory Order by Riverside Casino and Golf Resort, LLC and Washington County Riverboat Foundation, Inc. Regarding Iowa Code Section 99F7(11):

Description of Petition: Ms. Eick asked Mr. Ranscht to take the podium to review this matter and answer any questions the Commission may have. Mr. Ranscht stated that the petition for declaratory order is a process that every state agency has available so people can ask the agency for a determination about a certain law or rule. He said this particular one came in on November 8, 2024 from Riverside Casino and Golf Resort, LLC and Washington County Riverboat Foundation, Inc. and it's asking the Commission to issue a declaration about section 99F.7 of the code. Mr. Ranscht said the petition is asking the Commission to declare that the 2021 referendum in Linn County did not meet the requirements of the Iowa Code, and because it did not meet the requirements of the Iowa Code, the Commission won't, and indeed can't, issue a license in Linn County. That is the basis of why this has been filed. Mr. Ranscht stated the petition also requested the Linn County process be put on hold while considering this petition, which is a separate item on the agenda under 15C.3.

Mr. Ranscht said the November 8th date is important because that's the date of filing and Iowa law says within 30 days of that the Commission has to do one of four things in writing. The Commission can answer the question, decline to answer the question, agree that it will answer the question by a certain time, or set out a schedule to hear interested parties and then decide to answer or decline. Mr. Ranscht said that is the purpose of agenda item 15C.2, which one of the options

the Commission wants to carry out. Understanding those four options, Mr. Ranscht turned it back over to Chair Olsen to discuss and decide what option to select.

Decide 30-day Action Item under Iowa Code section 17A.9(5): Chair Olsen stated that the Commission has looked at this a lot and it is really the Commission's job to gather as much information as they possibly can before making any decisions. He said there are reasons why they could decline this petition right now, but he doesn't think that is in the best interest of the Commission or best interest of gaming if they do that. His thought process would be that they set a schedule, listen to all the information, as they have been consistent in doing, gather all the information and at that point in time make a decision they feel is best.

Commissioner Ostergren stated that he shared Chair Olsen's view. He said often a declaratory order is requested by a regulated entity who wants the regulator to affirmatively say that some activity they want to do is valid under the rules. If the Commission says yes, it is valid under the rules, then the petitioner has the protection against future administrative action based on those specific facts and circumstances. He explained that for some regulated entities, this is a lot better than doing something and having a regulator say it violates the rules and then it turning into a contested case. It's better to use it as a shield in advance to get confirmation from your regulator that some proposed activity is valid. He said this specific petition is instead an attempt to use the petition for declaratory ruling as a sword potentially to say somebody else is not compliant with the rules and they want the legal effect of that determination. Commissioner Ostergren said regulated entities can do that with a petition for declaratory order, but there is a process for that and parties on the other side get to decide if they want to participate in that process or not. In this case the time frame for the other side to make that decision has not passed yet, so we don't know what will happen.

Commissioner Ostergren said we are in a situation where obviously we have a pending licensing action that creates a different thing called other agency action. In that other agency action we ultimately have to decide whether the criteria to issue a license have been met. We can't avoid this question. It's going to have to be answered in one format or another. Commissioner Ostergren said his preference is to set a briefing schedule so they can be sure that they give Linn County the full opportunity, if they choose to participate in the process, to present the best legal arguments they have, and then to allow the petitioner to provide a response. He said there might be other parties that also want to submit legal arguments. Commissioner Ostergren restated that his preference would be to direct Ms. Eick and Mr. Ranscht to come up with a briefing schedule to present to the petitioner, Cedar Rapids Development Group, and Linn County Gaming Association so that we can get the best legal arguments they have to get this answered.

Commissioner Burkhart stated that although this is not a new process for the Commission, it is a new process to her as an individual Commissioner. She said she is trying to understand the process and how the Commission has used this process in the past. She said it is a complicated issue and at times she has gone back and forth between the four different options they have. She has reviewed referendum 1 and referendum 2 and prior referendum language from other counties. She said ultimately, in the spirit of yesterday, which she commented was a great day hearing from well

over 100 Iowans with differing opinions, she thinks the best course of action at this point is to set a schedule, hear all of the information and then make a determination.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to direct staff to prepare an order that indicates the Administrator will issue a further schedule for declaratory order proceedings after the time for other parties to intervene has passed. Commissioner Campbell seconded the motion.

Commissioner Ostergren further stated that they are contemplating a February 6, 2025 meeting to vote on the Linn County license application so he would like the briefing schedule to be such that they can act on the petition at the meeting before that in January. He said he wants to give enough time for the opponents to issue their arguments but he also doesn't want to drag this out. He said between now and February we should have a briefing schedule, a meeting to resolve this and still have a February 6th vote.

Commissioner Campbell asked Mr. Ranscht if the schedule the Commission has used in the past had worked well. Mr. Ranscht responded that in a past example he looked at the timeline was very similar, with a petition filed in early to mid-November 2014 that was decided by late January or early February 2015. He said the exact number of days might have varied slightly, but it followed the same general timeline Commission Ostergren is suggesting.

Motion carried unanimously.

Consideration of Request for Stay of Any License Application for Linn County: Mr. Ranscht stated that this is the secondary request of the petition. He said the petitioners are asking the Commission to pause the Linn County process and the application process while they consider the petition. He said in light of the decision to establish a schedule, they can decide what to do with that request.

Chair Olsen said since they are agreeing to listen and agreeing to put a process in place, he doesn't see any reason a stay would be granted, which is consistent with what the Commission has done in the past.

Commissioner Ostergren said he agrees with that. He said that because of the way the declaratory action works, it requires consent from the other side of the petition and that consent has not yet been given. He feels there is no reason for a stay because this needs to be resolved quickly. He sees no facts sufficient to show that anyone would be harmed by moving forward with the license review process because they are going to have an answer at or before the February 6th meeting.

Commissioner Campbell moved to deny the request for stay and direct staff to prepare a written order to that effect. Commissioner Ostergren seconded the motion.


Commissioner Burkhart wanted to confirm that we have received stay requests in other proceedings and if we have a process in place to handle those stay requests that is similar to this. Ms. Eick said that is correct, we routinely handle those, for example during racing season, and this would be consistent in how we have handled those matters.

Motion carried unanimously.

Mr. Weinhardt, Mr. Cook and Mr. Jones all announced that they had no further comment to make.

ADJOURN: At 10:13 AM, hearing no further business to come before the Commission, Chair Olsen requested a motion to adjourn. Commissioner Campbell so moved. Commissioner Burkhart seconded the motion, which carried unanimously.

MINUTES TAKEN BY:


CHANTELLE S. ARMINTROUT